

SDPD RECORDS  
FILE CHECK-OUT

15-028431  
15-028432

CASE # 15-028431/15-028434

FILE CHECK-OUT DATE 07/26/16

FILE CHECKED OUT TO: NAME GREG FLOOD

UNIT HOMICIDE

RECORDS CLERK-NAME/ID# 8269

FILE RETURN DATE 8-4-16



**The City of San Diego  
Homicide Unit**

1401 Broadway, San Diego, CA 92101- MS 713  
[REDACTED]

5420

July 3, 2015

Glen Wagner, M.D.  
San Diego County Medical Examiner's Office  
[REDACTED]

Re: Public Release of Autopsy and Deputy Medical Examiner's Reports  
Tom Ngoc Nguyen San Diego Police Department Case #15-028431/15-028434

Dear Dr. Wagner:

Pursuant to Government Code Section 6255, I am requesting that you withhold the public release of the autopsy, toxicology and Deputy Medical Examiner's Reports in the above case. As you are aware, the Homicide Section is conducting an extensive investigation in this death and, as yet, has been unable to resolve the case. It is my belief, and that of the investigators, that the public release of the information contained in the autopsy, toxicology and Deputy Medical Examiner's reports would seriously hamper the successful resolution of the investigation.

Homicide suspects frequently communicate with their peers. There is a probability that a suspect will reveal information to another party. If this information is of the nature that no prior public knowledge was available, investigators could confirm the origin of such information and narrow the scope of their investigation. Such items which are not now public knowledge, but are contained in the autopsy and toxicology reports, include:

- location and nature of trauma on the decedent;
- existence of foreign material on/in the body;
- presence of toxic compounds
- number and caliber of weapons.

February 28, 2013  
Glenn Wagner, M.D.  
Re: Tom Ngoc Nguyen S.D.P.D.  
Case #15-028431/15-028434  
Page 2

Additionally, there are facts and observations contained in the Deputy Medical Examiner's report which describe the general crime scene area and the items nearby, including the victim's body and its condition at the time of discovery. The items listed below have not been made public by the homicide detectives and the feeling is that if these facts and observations were released publicly, such release would potentially harm the investigation. Those items which may be contained in the Deputy Medical Examiner's report include:

- exact location and position of the decedent;
- identification of potential witnesses;
- descriptions of items of physical evidence.

Most, if not all, of the above areas have been withheld by homicide detectives following the investigative maxim that certain facts are known only to the killer(s) and the investigators involved. It is my opinion that the public interest in the release of the above information does not outweigh the societal need to withhold this information in the hopes of obtaining an unbiased resolution to the complex matter.

Sincerely,

John Saflar, Sergeant  
Homicide Section































07/06/15 05:29:46 PRINT REQUESTED BY TERMINAL TAPR

Incident History for: #P15070003825 Xref: #P15070004101

Case Numbers: \$PR150028434

Received	07/02/15	23:37:11	BY CT28	8742
Entered	07/02/15	23:40:43	BY CT28	8742
Dispatched	07/02/15	23:40:49	BY RC01	8759
Enroute	07/02/15	23:41:04		
Onscene	07/02/15	23:53:19		
Closed	07/03/15	09:01:44		

Initial Type: 415V

Final Type: 415V (DISTURBING PEACE W/VIOLENCE) Pri: 1 Dispo: 0

Police BLK: 1702900108000

Group: P9

Beat: 937 Src: 9 Inc Cmdr:

Loc: VIA FIESTA btwn

Loc Info:

Name:

Addr:

Phone:

/2340 (8742 ) NBRHD  
/2340 ENTRY

Black Mountain Ranch

UNK MALE IFO LOC IN BRN HONDA CIVIC, ACTING AGGRE  
SSIVE, POSS 5150/ KICKED RP'S AND THROWING C  
IGARETTES AT OTHER VEHS/ RP'S DOES NOT WANT  
11-10 FOR 242/ SUSP AMA, 60-70'S, SHORT, THIN, WRNG  
UNK/UNK WPNS/ CT28

/2340 (8759 ) DISP 936J3  
/2340 ASST 934J3  
/2341 (4835 ) \*ENROUT 936J3  
/2341 (5508 ) \*ENROUT 934J3  
'2341 (8759 ) ASSTER 931J3

#4835 ALBERTS, MICHAEL R  
#5508 ROCHA, JASON P

/2341 (4835 ) \*MISC 936J3  
/2342 (8759 ) ASSTER 931B3

VIA FIESTA]  
#7231 SHIELDS ROGSTAD, BRYAN A  
, FROM 12880 CARMEL COUNTRY RD, APPROX 15 MINS OU  
T

/2342 (5508 ) \*MISC 934J3  
/2352 (4835 ) \*MISC 936J3

VIA FIESTA]  
#7261 MARIN, CHARLES A  
, FROM 14000 MANGO ABOUT THE SAME TIME OUT....  
, ONE BLOCK OUT CHECKING FOR VEH, NOT AIRED DUE T  
O 245 ON P1

/2353 \*ONSCNE 936J3  
/2355 (5508 ) \*ONSCNE 934J3  
/2355 (4835 ) \*MISC 936J3

, VIA FIESTA CHECKS NEG GOING INTO COMPLEX ITSELF  
NOW

/2356 (7231 ) \*ONSCNE 931J3  
/2359 (7261 ) \*ONSCNE 931B3

\*\*\* New Date: 07/03/15 \*\*\*

/0001 (\*\*\*\*) REMINQ 936J3  
/0001 (8759 ) MISC 936J3

/0001 NEWLOC 936J3  
/0003 MMISC 936J3

[14692 VIA FIESTA

, \*\* THIS IS THE MALE \*\* 07/02/15 23:45:05 TO P9  
FROM 936J3: IN THE EVENT IT IS THE SAME GUY, HE A  
TTEMPTED TO GRAB MY GUN WHEN I 417D HIM ON A POSS  
KNIFE CALL INVOLVING HIM. THIS GUYS AGE AND DESC  
IS ABOUT THE RIGHT FOR SAME GUY RE OFFICER SAFET

Y

/0004 EMER 934J3 ,Tone Activated , SHOTS  
 /0005 MISC 936J3 , SHOTS FIRES  
 /0005 (8630 ) MMISC ,((07/03/15 00:05:00 TO LDET FROM LD01))  
 /0005 (8759 ) ASSTER L4 [14692 VIA FIESTA [REDACTED]  
 #5563 WEEDEN, JASON C  
 /0005 ASSTER 2927N2 [14692 VIA FIESTA [REDACTED]  
 #5525 WIESE, JONATHAN D  
 /0005 MISC 936J3 , HAS KNIFE  
 /0005 (8630 ) MISC ,FIRE 10-4 ENRT,,LD01/CF  
 /0006 (8759 ) ASSTER 2904N3 [14692 VIA FIESTA [REDACTED]  
 #6191 EDWARDS, BRETT T  
 /0006 ASSTER 121G3 [14692 VIA FIESTA [REDACTED]  
 #7290 FLORES, DOUGLAS A  
 #6167 DOUGLAS, BENJAMIN D  
 /0006 ASSTER 116S3 [14692 VIA FIESTA [REDACTED]  
 #4189 TANSEY, MICHAEL T  
 /0006 ASSTER 114J3 [14692 VIA FIESTA [REDACTED]  
 #7072 ROBERGE, MORIAH C  
 /0006 ASSTER 111K3 [14692 VIA FIESTA [REDACTED]  
 #7033 ORR, BRANDON N  
 #6982 WHITE, JOHN  
 /0006 (7033 ) \*ONSCNE 111K3  
 /0006 (8759 ) MISC 121G3 [REDACTED]  
 [REDACTED]  
 /0006 MISC 121G3 , \*\*\* LAST PLATE ADDED IN ERROR \*\*\*  
 /0006 ASSTER 935S3 [14692 VIA FIESTA [REDACTED]  
 #4231 SELLS, GAYLON W  
 /0007 ASSTER 177K [14692 VIA FIESTA [REDACTED]  
 #6891 CONTRERAS, JONATHAN  
 #6899 LARSON, RYAN  
 /0007 ASSTER 122J3 [14692 VIA FIESTA [REDACTED]  
 #6611 SANDERS, BRIAN  
 /0007 ASSTER 115J3 [14692 VIA FIESTA [REDACTED]  
 #6304 JANKOWSKI, KEVIN H  
 /0007 ASSTER 177X [14692 VIA FIESTA [REDACTED]  
 #6817 BULL, ANGELA  
 #6979 TAIRA, MATTHEW  
 /0007 ASSTER 112J3 [14692 VIA FIESTA [REDACTED]  
 #6957 BERNARD, CHRISTOPHER  
 /0008 MISC 936J3 , SLIGHT BREATHING AND A PULSE  
 /0008 (8912 ) MMISC ,PDA R. CAHILL NOTIFIED VIA LANDLINE // AM16/SLMA  
 RTIN  
 /0008 (8759 ) MISC 936J3 ,NO LONGER HAS THE KNIFE  
 /0009 MISC 935S3 , MEDICS 10-4 TO IMMEDIATELY GO IN  
 /0011 MISC 936J3 , DIRECT PRESSURE APPLIED AND SLIGHT PULSE STILL  
 /0012 MISC 934J3 , ENGINE 46 97  
 /0012 NEWLOC 931B3 [14692 VIA FIESTA [REDACTED]  
 /0012 NEWLOC 931J3 [14692 VIA FIESTA [REDACTED]  
 /0012 NEWLOC 934J3 [14692 VIA FIESTA [REDACTED]  
 /0013 EMER L4 ,EMER Call Back , PLEASE SEE IF SDSO HAS UNITS CL  
 OSE TO ASST  
 /0014 (4231 ) \*ONSCNE 935S3  
 /0015 (8759 ) ASSTOS 305T3 [14692 VIA FIESTA [REDACTED]  
 #5198 VOSS, GARY R  
 /0015 ONSCNE 935S3  
 /0015 MISC 935S3 , 1 SHOOTER

/0018 (4189 ) \*ONSCNE 116S3  
 /0018 (8759 ) ASSTER 931Y2 [14692 VIA FIESTA [REDACTED]  
 #7143 RUBY, BENJAMIN T  
 , MEDIC 40 97  
 /0018 MMISC 934J3  
 /0019 (7072 ) \*ONSCNE 114J3  
 /0019 (7033 ) \*ONSCNE 111K3  
 /0020 (8759 ) ONSCNE 122J3  
 /0020 (6611 ) \*ONSCNE 122J3  
 /0021 (8891 ) SUPP  
 /0021 (8759 ) CHANGE  
 /0021 (7290 ) \*ONSCNE 121G3  
 /0022 (6191 ) \*ONSCNE 2904N3  
 /0023 (8759 ) ASSTER 900L [14692 VIA FIESTA [REDACTED]  
 #5986 SHARKI, ADAM T  
 , RIDING IN THE AMBULANCE TO SCRIPPS LA JOLLA  
 #6179 NGUYEN, NICHOLAS T  
 /0024 MISC 931J3  
 /0024 (8630 ) ASST 515S3  
 /0026 (6817 ) \*ONSCNE 177X  
 /0027 (6957 ) \*ONSCNE 112J3  
 /0027 (5563 ) \*ONSCNE L4  
 /0027 (8759 ) MISC 935S3 , 305T WILL 1148 936J TO NORTHWESTERN  
 /0027 CHGLOC 305T3 [12592 EL CAMINO REAL]  
 /0027 CHGLOC 936J3 [RIDING W/ 305T TO NORTHWESTERN ]  
 /0028 PREDSP 900L , Incident Info Resent to unit 900L  
 /0031 (8685 ) ASST 605T3 [12592 EL CAMINO REAL]  
 #5916 CZAS, MARIUSZ "MC"  
 /0031 CLEAR 177X  
 /0032 (7143 ) \*ONSCNE 931Y2  
 /0033 (5525 ) \*CLEAR 2927N2  
 /0033 (6179 ) \*CHGLOC 515S3 [NW DIV]  
 /0034 (5916 ) \*ENROUT 605T3  
 /0034 (8511 ) ASSTER 4002S [RIDING W/ 305T TO NORTHWESTERN ]  
 #5475 ZWIBEL, EDWARD  
 /0034 (8685 ) MMISC 935S3 , NEED PEER SUPPORT TO N/W DIVISION  
 /0034 MMISC , TO LD01/ 935S REQ PEER SUPPORT TO N/W  
 /0035 (6957 ) \*CHGLOC 112J3 [SCRIPPS LA JOLLA]  
 /0037 (8685 ) ONSCNE 931J3  
 /0037 (8511 ) ASSTER HOM1  
 /0038 (5916 ) \*ONSCNE 605T3  
 /0039 (8685 ) MMISC  
 /0039 (7143 ) \*CHGLOC 931Y2 [SCRIPPS LA JOLLA]  
 , TO PICK UP SHIELDS  
 /0039 (8105 ) ASSTER 870S #5142 VELOVICH, CHRISTOPHER  
 /0040 MMISC 870S , ENRT FOR PEER SUPPORT  
 /0041 (4231 ) \*ONSCNE 935S3  
 /0041 (6957 ) \*ONSCNE 112J3  
 /0042 (8928 ) ASSTER 1600C #4303 NISLEIT, DAVID S  
 /0042 (6191 ) \*CLEAR 2904N3  
 /0044 (5986 ) \*ONSCNE 900L  
 /0045 (8685 ) NEWLOC 934J3 [SUB]  
 /0045 NEWLOC 931B3 [SUB]  
 /0046 MMISC 111K3 , WHITE IS SCRIBE\*\*\*\*  
 /0046 ASSTOS 933S2 [SUB]  
 #4735 CAROPRESO, FRANK  
 /0048 (6179 ) \*ONSCNE 515S3  
 /0052 (8685 ) CHGLOC 870S [12592 EL CAMINO REAL]  
 /0052 (8511 ) ASSTER 2284S #4702 KELSO, BENJAMIN A

/0053	(5916 )	*CHGLOC	605T3	[TO SCENE W/ 305T]
/0056	(5142 )	*ONSCNE	870S	
/0056	(7143 )	*ONSCNE	931Y2	
/0057		*CHGLOC	931Y2	[12592 EL CAMINO REAL]
/0058	(5916 )	*ONSCNE	605T3	
/0100	(8511 )	ONSCNE	2284S	
/0101	(8786 )	CHANGE		, TEMPERATURE AT 0005 HRS WAS 65 DEGREES,, ENGINE 46 DANIEL HYPES DH3774, DAVE KINNAMAN DK3743, RAYMO ND TONG RT7895, RAYMUNDO LOPEZ RL9191,, MEDIC 40 M ICHAEL ROMAN MR4370 SEAN RICHMOND SR1637 ,, LD01/C F
/0103	(5916 )	*CLEAR	605T3	
/0105	(7143 )	*ONSCNE	931Y2	
/0105	(5198 )	*ONSCNE	305T3	
/0106		*CHGLOC	305T3	[SCENE] , P UP VEH
/0107	(7143 )	*CHGLOC	931Y2	[SCENE]
/0117	(8685 )	NEWLOC	935S3	[VIA FIESTA/VIA LANDINI]
/0117		NEWLOC	115J3	[VIA FIESTA/VIA LANDINI]
/0118	(7143 )	*ONSCNE	931Y2	
/0118		*ENROUT	931Y2	
/0124	(8685 )	CHGLOC	111K3	[12592 EL CAMINO REAL] , 78.1
/0126		CALLBK	121G3	, 07/03/15 01:19:05 MESSAGE FROM: 121G3 CAN YOU R UN A CALLS FOR SERVICE AT THE ADDRESS I THINK ITS [REDACTED] VIA FIESTA NOT SURE OF THE APARTMENT. SGT SELLS ASKED FOR IT.
/0137	(5563 )	*CLEAR	L4	
/0140	(8685 )	ONSCNE	111K3	, BWC
/0144	(8821 )	SUPP		TXT: ON CB , CONTACTS AT [REDACTED] VIA FIESTA PRINTED AND WILL BE SCANNED AND EMAILED//CT02
/0217	(8685 )	CALLBK	121G3	, NEED CALLS FOR SRV AT LOC, 07/03/15 02:14:10 TO RC01 FROM 121G3: I GAVE YOU THE WRONG ADDRESS... I NEED CALLS FOR SERVICE AT 14692 VIA FIESTA [REDACTED]
/0222	(8821 )	SUPP		TXT: ON CB NO CALLS FOR SERVICE FOUND FOR 14692 V IA FIESTA [REDACTED]/CT02
/0246	(5986 )	*CLEAR	900L	
/0308	(7143 )	*CHGLOC	931Y2	[NW SUB]
/0308	(5198 )	*ONSCNE	305T3	
/0308		*CLEAR	305T3	
/0314	(6891 )	*ONSCNE	177K	
/0315		*CLEAR	177K	
/0321	(7143 )	*ONSCNE	931Y2	
/0322		*CLEAR	931Y2	
/0329	(8685 )	ASSTER	113J3	[14692 VIA FIESTA [REDACTED] #6712 BREUNINGER, ADAM D , W/METAL DETECTOR [SUB/PPR]
/0346	(6304 )	*CHGLOC	115J3	
/0355	(8685 )	\$PREMPT	115J3	
/0355	(6179 )	*CLEAR	515S3	
/0406	(6712 )	*ONSCNE	113J3	
/0410	(5142 )	*CHGLOC	870S	[MIDCITY]
/0416	(8912 )	CHANGE		TYP: 1088 --> 415V
/0424	(5142 )	*ONSCNE	870S	
/0424		*CLEAR	870S	
/0424	(8511 )	CROSS		#P15070004101
/0425	(4735 )	*CLEAR	933S2	
/0442	(7261 )	*CLEAR	931B3	
/0456	(8685 )	CALLBK	116S3	, LD01, PLS HAVE PATRIOT RESPOND FOR CLEAN UP 1 SP



/0457 (8511 ) SUPP  
/0511 (7072 ) \*CLEAR 114J3  
/0511 (8685 ) CLEAR 2284S  
/0521 \$PREMPT 113J3  
/0531 CALLBK 935S3 , LD01, PLS SEE IF PATRIOT CAN GIVE US AN ETA, THAN  
KS  
/0534 (8511 ) SUPP  
/0540 (6957 ) \*CHGLOC 112J3 TXT: PATRIOT ETA APPROX 20 MIN //LD01  
[SUB]  
, PAPER  
/0544 (8937 ) CLEAR 936J3  
/0546 (6957 ) \*ONSCNE 112J3  
/0549 (8937 ) CHGLOC 931J3 [SUB]  
/0554 (8272 ) ASNCAS \$PR150028431  
/0554 (6611 ) \*CLEAR 122J3  
/0556 (8272 ) ASNCAS \$PR150028434  
/0600 (7231 ) \*ONSCNE 931J3  
/0600 \*CLEAR 931J3  
/0601 (8848 ) CLEAR 116S3  
/0602 ASST 934K1 #7142 ROBERTS, CODY G  
#7126 GAMET, STEVEN P  
/0604 (7142 ) \*ENROUT 934K1  
/0612 (6957 ) \*CLEAR 112J3  
/0619 (4231 ) \*CHGLOC 935S3 [NW SUB]  
/0619 (7290 ) \*CHGLOC 121G3 [SUB]  
/0620 (8848 ) MISC 934K1 , PATRIOT 97  
/0625 (7033 ) \*CHGLOC 111K3 [SUB]  
/0628 (4231 ) \*ONSCNE 935S3  
/0628 \*CLEAR 935S3  
/0631 (8848 ) CLEAR 934J3  
/0634 (7033 ) \*ONSCNE 111K3  
/0640 (7290 ) \*CHGLOC 121G3 [NORTHERN]  
/0640 \*ONSCNE 121G3  
/0640 \*CLEAR 121G3  
/0707 (7033 ) \*CLEAR 111K3  
/0716 (8937 ) ASSTOS 1614 [REDACTED] VIA FIESTA]  
#5473 MILES, WILLIAM  
, FOR WITNESS STATEMENTS  
/0725 (7142 ) \*ONSCNE 934K1  
/0748 \*CLEAR 934K1  
/0757 (8937 ) CLEAR 1614  
/0858 (8511 ) ONSCNE HOM1  
/0858 PREMPT HOM1  
/0901 (8937 ) CLEAR 1600C  
/0901 CLEAR 4002S D/O  
/0901 CLOSE 4002S D/O  
\*\*\* New Date: 07/04/15 \*\*\*  
/1111 (8417 ) SUPP NAM: [REDACTED]  
ADR: [REDACTED]  
PHO: [REDACTED]  
TXT: RP ADV'D HE WAS WITN TO INC & IS AVAIL FOR P  
D CONTACT IF NEEDED //CT02  
, INC FAXED TO HOMICIDE & NW DIVISION ADV'ING OF L  
AST UPDATE //CT10  
/1510 MMISC

07/06/15 05:30:30 PRINT REQUESTED BY TERMINAL TAPR

Incident History for: #P15070004101 Xref: #P15070003825

Entered 07/03/15 04:24:32 BY CT04 8511  
Dispatched 07/03/15 04:32:13 BY RC01 8685  
Enroute 07/03/15 04:32:13  
Onscene 07/03/15 04:32:13  
Closed 07/03/15 08:17:44

Initial Type: 1021

Final Type: 1021 (PHONE YOUR STATION) Pri: 2 Dispo: K

Police BLK: 1702900108000 FMap: [REDACTED] Group: P9

Beat: 937 Src: T Inc Cmdr:

Loc: [REDACTED]

Loc Info:

Name: [REDACTED]

Addr: [REDACTED]

Phone: [REDACTED]

/0424 (8511 ) NBRHD  
/0424 ENTRY

Black Mountain Ranch

PER RP HEARD FROM [REDACTED] THAT HER [REDACTED] WAS IN  
INVOLVED IN POLICE SHOOTING// RP UPSET REQUESTING F  
URTHER INFORMATION// RP STATED HER [REDACTED] WAS TON  
NGUYEN//CT04  
#P15070003825

/0424 CROSS  
/0425 (8685 ) HOLD  
/0425 MMISC  
/0426 (8912 ) MMISC  
/0426 CHANGE

, 935S IS T4, WILL PASS ALONG THE INFO  
, ((07/03/15 04:26:15 TO LDET FROM LD01:))

PRI: 3

---> 2

'0431 CHANGE

TXT: LT RORRISON WILL HANDLE THIS 1021 AFTER HE H  
AS COMPLETED THE INTERVIEW HE IS CONDUCTING // LD  
01/SLMARTIN

/0432 (8685 ) DISPOS AUP09

/0817 (8937 ) CLEAR AUP09 D/K

, HANDLED

/0817 CLOSE AUP09 D/K











































San Diego Police Department: Case Cancellation

Type of  
Crime/Incident

981000 ZZ

Case #

15028431

Victim

Alberts, Michael

Case Part of Series

☐

Occurrence Date

07/02/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐

**Property Recovered**

None

☐

Partial

☐

Value Recovered

---

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

---

**Investigator:**

**Date**

**Approved By:**

**Date**

3979 -Norris, Timothy G

10/23/2015

5170 - Hastings, Michael

10/27/2015

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**List Additional Cases to Be Cancelled:**

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**Narrative:**

On July 3, 2015 Officer Mike Alberts responded to 14692 Via Fiesta [REDACTED] regarding a disturbance. Officer Alberts attempted to make contact with the occupants of apartment [REDACTED]

Ton Nguyen exited the front door of the apartment and advanced toward Officer Alberts brandishing a large kitchen knife. Nguyen ignored Officer Alberts' repeated orders to drop the knife. Officer Alberts fired one round from his sidearm striking Nguyen in the chest.

Nguyen died as a result of his injuries. This case will be closed as exceptional.

---

San Diego Police Department: Case Cancellation

Type of

245A1  
PC

Crime/Incident

Case #

15028434

Victim

Alberts, Michael

Case Part of Series

☐

Occurrence Date

07/03/2015

(Leave blank if no series)

Type of Cancellation

Exceptional: Other (such as subject is dead)

Additional Arrests

☐

Disposition

Charge Level

Persons Arrested

Last

First

Middle

Date

Booking Number

Detective Arrest

☐

Patrol Arrest

☐

Charged

☐

Not Charged

☐



**Property Recovered**

None

☐

Partial

☐

Value Recovered

---

Full

☐

Was ARJIS-4 Completed

Yes

☐

No

☐

---

**Investigator:**

**Date**

**Approved By:**

**Date**

3979 -Norris, Timothy G 10/30/2015

5170 - Hastings, Michael 11/05/2015

---

**List Additional Cases to Be Cancelled:**

---

**Narrative:**

On July 3, 2015 Officer Mike Alberts responded to 14692 Via Fiesta [REDACTED] regarding a disturbance.

Ton NGUYEN exited the front door of the apartment and advanced toward Officer Alberts brandishing a large knife. NGUYEN ignored Officer Alberts' orders to drop the knife. Officer Alberts fired one round from his sidearm striking NGUYEN in the chest.

NGUYEN died as a result of his wounds. This case will be closed as exceptional.

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SAN DIEGO POLICE DEPARTMENT  
OFFICER INVOLVED INCIDENT

Case Review

DATE (occurrence): 07/03/2015  
TIME (occurrence): 0005 hours  
LOCATION: 14692 Via Fiesta [REDACTED] SD, Ca  
SUBJECT: OIS/Special Investigation 981000ZZ

---

INJURED/DECEASED: Ton Ngoc Nguyen  
\_\_\_\_\_  
\_\_\_\_\_

OFFICER(S): Michael Alberts #4835  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


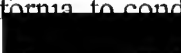
REVIEWED BY:

[REDACTED]  
Sergeant, Homicide Section  
[REDACTED]  
Lieutenant, Homicide Section  
[REDACTED]  
Captain, Investigations II  
[REDACTED]  
Assistant Chief, Centralized Investigations

10/20/2015  
Date  
10/21/15  
Date  
10/22/15  
Date  
10/22/15  
Date

**SAN DIEGO POLICE DEPARTMENT**  
**Consent to Search Vehicle**

Case Number INC # 15070063825  
15-028434  
Date 7/3/15  
Time 0251

I,  having been informed of my constitutional right not to have a search made of my vehicle hereinafter mentioned without a search warrant, and of my right to refuse to consent to such a search, hereby authorize Officer Norris #379, and Officer Morris #5473 police officer(s) of the City of San Diego, California, to conduct a complete search of my (Year) 05, (Make) Honda, (Model) Civic, (License #)  in the City of San Diego, California. These officers are authorized by me to take from my vehicle any letters, papers, materials, contraband or other property which they may desire.

This written permission is being given by me to the above named officers voluntarily and without coercion, threats or promises of any kind.


  
Signature 

 5473  
 7033

Witnesses



SAN DIEGO POLICE DEPARTMENT  
Consent to Search Premises

INC # 15070003825  
Case Number 15-028434  
Date 7/3/15  
Time 0255

I, , having been informed of my constitutional right not to have a search made of the premises hereinafter mentioned without a search warrant, and of my right to refuse to consent to such a search, hereby authorize Officer NORRIS #3979, #3979, and Officer MUESS, #5473 police officer(s) of the City of San Diego, California, to conduct a complete search of my premises located at 14692 VDA FERRERA in the City of San Diego, California. These officers are authorized by me to take from my premises any letters, papers, materials, contraband or other property which they may desire.

This written permission is being given by me to the above named officers voluntarily and without coercion, threats or promises of any kind.

  
Signature 

  
  
Witnesses 5473  
7033

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3, 2015

**TIME (occurrence):** 0005 Hours

**LOCATION:** 14692 Via Fiesta [REDACTED] San Diego

**SUBJECT:** OIS/ Special Investigation 981000 ZZ- SDPD Case #15-028431  
245(a)(1) PC- Assault with a Deadly Weapon SDPD Case #15-028434  
Incident #15070003825  
Officer: ALBERTS, Michael ID# 4835  
Suspect: NGUYEN, Ton, Ngoc (60 Yrs) V/M/A 01-16-1955

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**CRIME SCENE INVESTIGATION:**

**Call Out:**

On July 3, 2015, at approximately 0030 hours, I received a call at home from Sergeant Bruce PENDLETON. Sgt. PENDLETON informed me an officer involved shooting had taken place and directed me to respond to [REDACTED] Via Fiesta in San Diego to assist with the investigation.

I arrived at the scene at 0115 hours. I noted the sky was overcast and later learned the temperature was approximately 65 degrees.

Access to 14600 Via Fiesta and the alley to the west were blocked to pedestrian and vehicle traffic by marked patrol vehicles, uniformed officers and crime scene tape. Via Fiesta is a two way street which travels north and south.

Additional patrol officers and crime scene tape were protecting the scene perimeter, which was located on the front porch of 14692 Via Fiesta [REDACTED]

The area of the crime scene is primarily made up of residential condominiums. The community is referred to as the "Black Mountain Ranch" and is patrolled by the Northwestern Division. The location of the scene is in police service area beat 937.

**Homicide Personnel at Scene:**

Present from the Homicide Unit were Captain David NISLEIT #4303, Lieutenant Paul RORRISON #4305, Sergeant Bruce PENDLETON #4706, Sergeant John SAFLAR #5193 and Detectives Dave SPITZER #4665, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialists Ally SOUTHERLAND #8841 and Criminalist Brian BURRITT from the SDPD Crime Lab were also there.

Others present for the briefing included the following: Assistant Chief McMANUS #3974, Assistant Chief Todd JARVIS #3661, Lt. Stephanie ROSE #4991, Lt. Adam SHARKEY #5986, Sgt. Pepper KELLY #5309, Sgt. Ben KELSO #4702, Lt. Matt NOVAK #5098, Sgt. Gaylon SELLS #4231, Sgt. Ed ZWIBEL #5475, Officer John WHITE #6982 and District Attorney Investigator JC SMITH #157.

**Briefing:**

At approximately 0143 hours, after the entire Homicide team arrived, Patrol Sergeant Gaylon SELLS briefed us on the incident. The briefing took place while standing on the street north of the crime scene. The briefing was audio recorded and I have documented a synopsis below. For an exact word for word account, refer to the recording of the briefing.

Sergeant SELLS essentially told us the following:

*At about 2340 hours, SDPD Communications received a call of a 415, Violent at [REDACTED] Via Fiesta. The call was dispatched at 2340 hours and the first officers arrived on scene at 2353 Hours. The officers were, Mike ALBERTS #4835, Jason ROCHA #5508, Charles MARIN #7261 and Bryan SHIELDS #7231. None of the officers are trained in the use of the Body Worn Camera (BWC).*

*The reporting party on this call was [REDACTED] They reported that an unknown male was in front of the location in a brown, Honda Civic acting aggressive and possibly 5150. [REDACTED] also reported that the male kicked [REDACTED] The male was throwing lit matches at other vehicles. They described the suspect as an Asian, male adult, 60-70 years old, short and thin, wearing unknown clothing and unknown weapons.*

*As officers were enroute at 2345 hrs, Officer ALBERTS sent a message to P-9 which said, "In the event it is the same guy, he attempted to grab my gun when I 417'd him on a possible knife call. It ended in a ground fight and him being tased".*

*When officers arrived on scene the suspect's vehicle was pointed out to them by [REDACTED] Officer ALBERTS ran the plate and realized it was the same person he fought with on a previous call. That person's name was, Ton Ngoc NGUYEN, 1-16-55.*

*The officers went to the address listed on the vehicle registration, 14692 Via Fiesta [REDACTED] Officer ALBERTS and Bryan SHIELDS went to the front door and knocked. After knocking on the door, the suspect, NGUYEN rushed out of the door towards Officer ALBERTS with a knife in his right hand. The suspect was within 7 feet of Officer ALBERTS. Officer ALBERTS attempted to back away from the suspect who picked up speed as he advanced on the officer. Officer ALBERTS drew his duty weapon and fired one round which struck NGUYEN in the upper torso. NGUYEN immediately fell to the ground. Officers secured the scene and began to administer first aid to NGUYEN. NGUYEN was transported to Scripps La Jolla where he was pronounced dead by Dr. James SCHWINDIG at 0044 hours.*

The briefing concluded at approximately 0209 hours. Sergeant PENDLETON then assigned the scene to me for investigation. Crime Scene Specialist SOUTHERLAND began taking photographs of the scene.

**Scene Viewing:**

Criminalist BURRITT, Crime Scene Specialists SOUTHERLAND and I then conducted a brief look of the scene to acclimate ourselves to the area. SOUTHERLAND continued with her photography while we waited for Officer ALBERTS to return to the scene for the walk-through.

At approximately 0239 hours, Officer ALBERTS returned to the scene for a walk-through. The following people were present for the walk through:

Lt. RORRISON, Sgt. PENDLETON, Sgt. SAFLAR, Sgt. Ben KELSO, Lt. Matt NOVAK, JC SMITH, Police Officers Association Attorney Brad FIELDS, CSS SOUTHERLAND, Criminalist BURRITT and Officer Andrew RUIZ . Captain NISLEIT arrived soon afterward and witnessed the walk-through. I digitally recorded the walk-through. Refer to recordings and his reports for complete details.

During the officer walk through, Officer ALBERTS provided a general area of where he believed he was positioned when he fired at the suspect. Criminalists BURRITT and Crime Scene Specialist SOUTHERLAND marked this area with a blue cone.

At the conclusion of the walk-through, I began processing the scene for evidence. After the initial briefing Detective MILES was assigned to interview NGUYEN'S [REDACTED] During his interview, Detective MILES obtained written consent from [REDACTED] to search apartment number [REDACTED] and their vehicle, a 2005 four door Honda Civic bearing California license plate [REDACTED]

Street lights were illuminated on the street in front of the complex, which allowed a moderate amount of ambient light to fall on the porch.

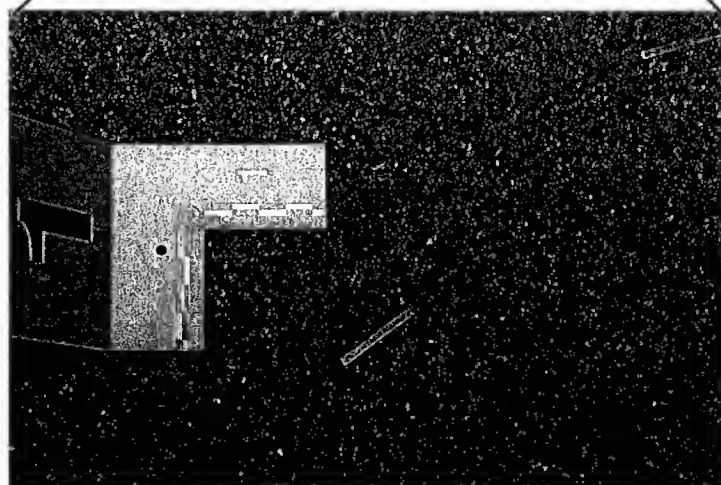
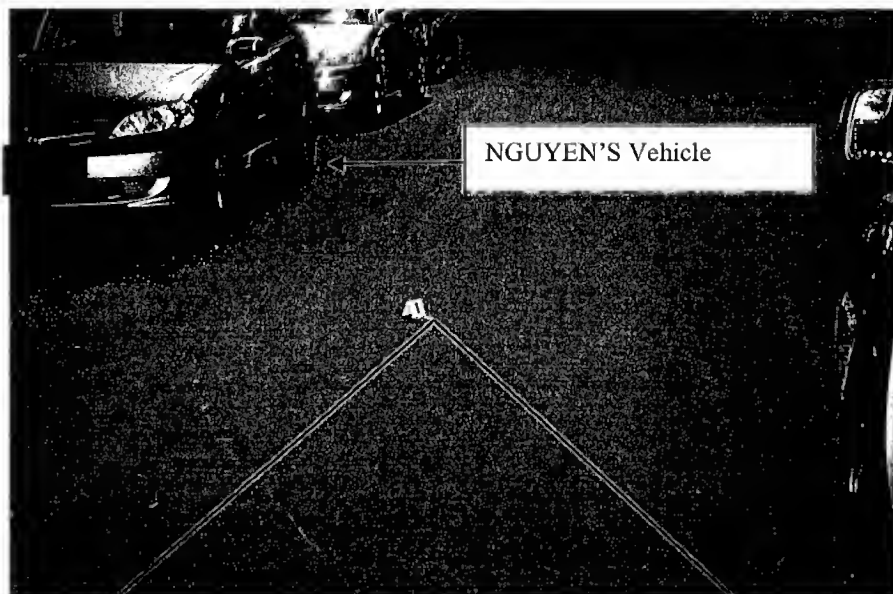
For the purposes of documentation, I divided the crime scene investigation into three individual locations; The porch, where the shooting took place, the area around NGUYEN'S vehicle, which was parked on the street and the interior of NGUYEN'S apartment.

During the course of the investigation, as evidence was located, each item was assigned a placard number. Overall photographs were taken in an effort to show the relationship of each item of evidence to other items of evidence. Prior to the evidence being collected, when appropriate, close-up photographs were taken with the numbered placards in place and I obtained measurements of the location of each item.

(see attached table for measurements).

I located a total of eight items of potential evidence from the three scene locations. Other than one item, matches on the street around NGUYEN'S car, all evidence was collected from the front porch of the apartment. There were items of medical intervention amongst these items. They were photographed and discarded.

**14600 Via Fiesta, NGUYEN'S vehicle location:**



**Burnt matches**

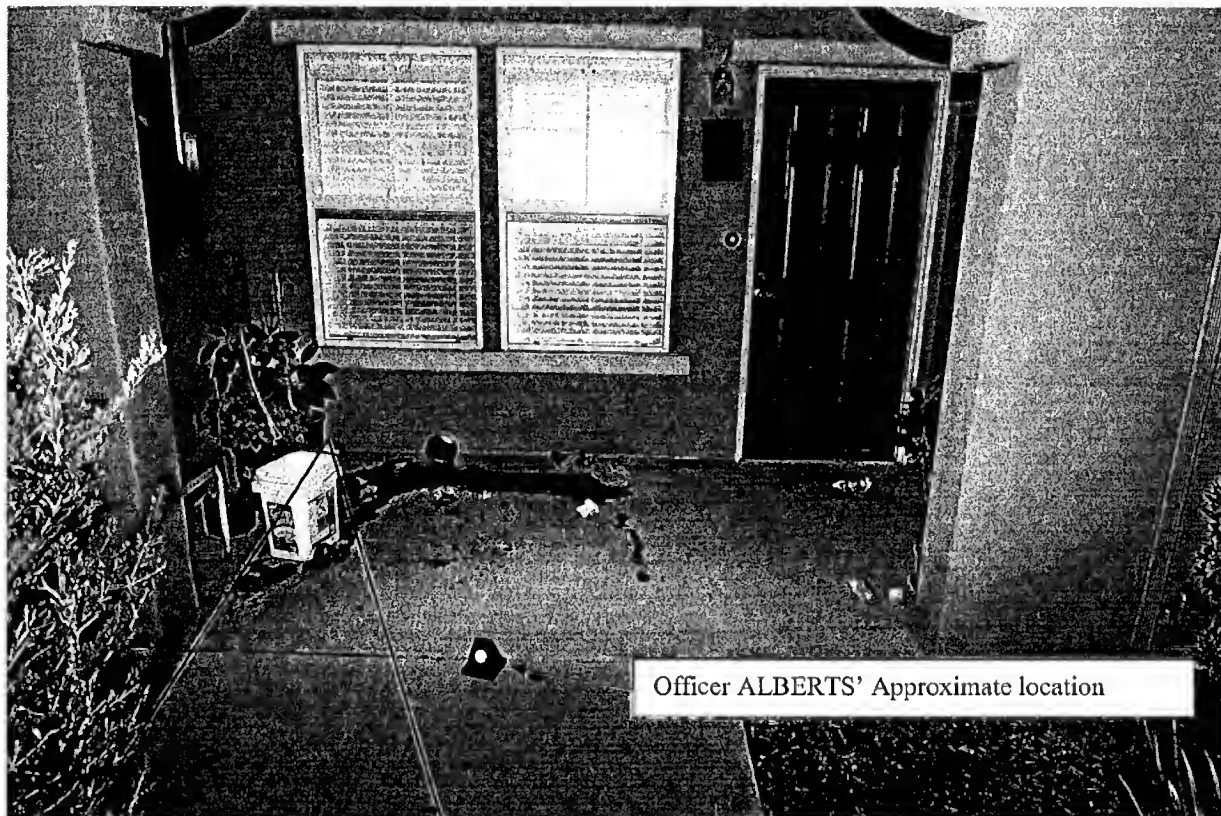
**R1-** West Curb Line 14600 Via Fiesta  
**R2-** South Curb Line 7500 Via Landini

Placard #	ITEM	R1	R2
1	Burnt matches	10'7"	37'0"

CSS SOUTHERLAND and I also observed NGUYEN'S vehicle, which was parked at the west curb of 14600 Via Fiesta near the apartment. We were able to see numerous burnt matches on the ground outside the driver's side door. (Above) This appeared to corroborate the witness, [REDACTED] account of NGUYEN throwing lit matches at passersby before the police were called. The vehicle was locked and since we did not have keys to the vehicle, it was not searched. I looked through the windows and saw nothing significant inside the vehicle.



**FRONT PORCH, 14692 Via Fiesta Apartment**



**R1-** North Exterior Wall of the Front Porch  
**R2-** East Exterior Wall of the Front Porch

Placard #	ITEM	R1	R2
2	Brown sandals	9'1"	4'4"
3	Blood Drop Swabs	6'8"	3'7"
4	Knife	10'7"	1'1"
5	Hat	8'3"	0'2"
6	Shirt	4'8"	1'3"
7	Glasses	1'2"	0'2"
8	EKG printout	0	3'0"

The shooting scene was contained in the front porch area of apartment number [REDACTED] at 14692 Via Fiesta. The apartment is on the ground floor and the front door faces east toward the street. The porch area is covered with a patio directly overhead, which is assigned to the unit directly above apartment number [REDACTED]. The front porch light for apartment number [REDACTED] is located to the left of the front door as viewed from the street and was not illuminated. The front door was closed and latched but not locked. There were two windows adjacent to the front door. I took note of the fact that both windows were open with screens covering the windows. The blinds were closed prohibiting me from seeing inside the apartment.

I observed a pair of prescription glasses near the door and a shirt which appeared to have been cut off lying nearby along with a dark colored baseball hat and brown sandals. There was a moderate amount of blood on the ground and I also saw a black handled kitchen type knife with a blade approximately three to four inches long.

I attempted to visually locate the fired cartridge casing from Officer ALBERTS' gun and could not. Sgt. TANSEY obtained a metal detector from Northern Division and Criminalist BURRITT and I conducted a search of the area surrounding the patio. Based on Officer ALBERTS' stated location during the shooting we estimated where the gun could have potentially ejected the spent cartridge casing. We focused the search area in that location, which had several bushes and a large amount of ground cover. We still were not able to locate the casing.

When CSS SOUTHERLAND finished collecting the items of evidence on the porch, we moved the search into the apartment. The apartment is a two bedroom apartment with an attached one car garage. The residence was generally organized and clean. CSS SOUTHERLAND took photographs of each room in the apartment as well as the interior of closets and cabinets before I began my search.

I searched the apartment for medications prescribed to NGUYEN and did not find any. I also looked for knives similar to the one found on the front porch and did not find any. Nothing related to the shooting incident was located in the apartment therefore no evidence was collected.

At the conclusion of the search, CSS SOUTHERLAND and I left at 0535 hours.

Reporting Detective Tim Norris I.D. 3979 Homicide Team: 1  
Approved by: Sgt J.Saflar #5193 Date of this report: 07-08-2015 Time: 1100 Hrs.

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta ■■■ Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**BODY WORN CAMERA [BWC] INFORMATION**

**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to ■■■ Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

On July 6<sup>th</sup>, 2015, I continued investigating this incident. I conducted a search for any recorded Body Worn Cameras [BWC] footage taken by any officers who responded to this incident. I located and downloaded ten (10) video clips. I copied the video files onto a DVD-R and included a copy with the Homicide Book for this case. In reviewing the footage it appears all of the officers who were wearing BWCs arrived after the shooting incident. None of the four officers at the scene at the time of the shooting had been issued BWC equipment or filmed any of the incident.

There were BWC Video Files from the following officers;

Officer Benjamin Douglas #6167	1 File
Officer Kevin Jankowski #6304	2 Files
Officer Ryan Larson #6899	2 Files
Officer Brandon Orr #7033	4 Files
Officer John White #6982	1 File

Reporting Detective David Spitzer I.D. 4665 Homicide Team: I  
Approved by: Sgt J.Saflar #5193 Date of this report: July 7<sup>th</sup>, 2015 Time: 1200 Hrs

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta [REDACTED] Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**HOSPITAL FOLLOW-UP**

**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to [REDACTED] Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825. At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to locate and interview potential witnesses. After completing the witness interviews Sgt PENDLETON directed me to respond to Scripps Hospital La Jolla to assist with the handling of Ton NGUYEN's body. I arrived at the hospital at 0530 hours and met with Officer BERNARD #6957 at bed #6. Officer BERNARD said he had remained at bed #6 since he arrived at the hospital. See Officer BERNARD's narrative for details. Once I arrived I noted the following times/actions;

Time	Comments
0600	Medical Examiner Investigator James RAMIREZ #17 arrived at the hospital
0616	Investigator RAMIREZ examined Nguyen's body
0637	Medical Examiner's body removal team arrived at the hospital
0645	The removal team bagged Nguyen's limbs
0655	The removal team sealed Nguyen's body in body bag. Red Seal [REDACTED]
0700	The removal team removed Nguyen's body from the hospital

Reporting Detective David Spitzer I.D. 4665 Homicide Team: I  
Approved by: Sgt J. Saflar #5193 Date of this report: July 7<sup>th</sup>, 2015 Time: 0800 Hrs

**DEATH IN CUSTODY REPORTING FORM**

BCIA 713 (rev. 11/05)

☒ ORIGINAL ☐ AMENDMENT**DOJ USE ONLY****RECORD KEY****AGENCY TYPE**

- ☐ Police  
☐ Sheriff  
☐ Probation  
☐ State  
☐ Other Local

**AGENCY NCIC NUMBER****COUNTY****DATE OF DEATH**

7 / 3 / 2015  
MM DD YYYY

**SUBJECT NAME**

Nguyen, Ton, Ngoc

Last

First

Middle

**CII NUMBER**

[REDACTED]

**DATE OF BIRTH**

1 / 16 / 1955  
MM DD YYYY

**GENDER**

- ☒ Male  
☐ Female

**RACE/ETHNICITY (Check One)**

- |  |  |
|--|--|
| <input type="checkbox"/> Other Asian     | <input type="checkbox"/> Korean                |
| <input type="checkbox"/> Black           | <input type="checkbox"/> Laotian               |
| <input type="checkbox"/> Chinese         | <input type="checkbox"/> Other                 |
| <input type="checkbox"/> Cambodian       | <input type="checkbox"/> Pacific Islander      |
| <input type="checkbox"/> Filipino        | <input type="checkbox"/> Samoan                |
| <input type="checkbox"/> Guamanian       | <input type="checkbox"/> Hawaiian              |
| <input type="checkbox"/> Hispanic        | <input checked="" type="checkbox"/> Vietnamese |
| <input type="checkbox"/> American Indian | <input type="checkbox"/> White                 |
| <input type="checkbox"/> Japanese        | <input type="checkbox"/> Asian Indian          |

**DOJ USE ONLY****CUSTODY OFFENSE**

Assault on an officer

**CUSTODY STATUS**

(Check One)

- ☒ Process of Arrest  
☐ In Transit  
☐ Awaiting Booking  
☐ Booked - No Charges Filed  
☐ Booked - Awaiting Trial  
☐ Sentenced  
☐ Out to Court  
☐ Other

**CUSTODIAL RESPONSIBILITY**

AT TIME OF DEATH

(Check One)

- ☒ Process of Arrest  
☐ City Jail  
☐ County Jail  
☐ Adult Camp or Ranch  
☐ Local Juvenile Facility/Camp  
☐ Adult Operations and Adult Programs (formerly CDC)  
☐ Division of Juvenile Justice (formerly CYA)  
☐ State Hospital  
☐ Other

**LOCATION WHERE CAUSE OF DEATH OCCURRED**

(Check One)

- ☐ Not Applicable (Natural)  
☒ Crime/Arrest Scene  
☐ Facility -- Administrative  
☐ Facility -- Booking  
☐ Facility -- Living  
☐ Facility -- Common  
☐ Facility -- Holding  
☐ Facility -- Medical Treatment  
☐ Other

**FACILITY OF DEATH**

(Check One)

- ☒ Crime/Arrest Scene  
☐ Local Hospital  
☐ City Jail  
☐ County Jail  
☐ Adult Camp or Ranch  
☐ Local Juvenile Facility/Camp  
☐ Adult Operations and Adult Programs (formerly CDC)  
☐ Division of Juvenile Justice (formerly CYA)  
☐ State Hospital  
☐ Other

**MANNER OF DEATH**

(Check One)

- ☐ Pending Investigation  
☐ Natural  
☐ Accidental -- Injury to Self  
☐ Accidental -- Injury by Other  
☐ Suicide  
☐ Homicide Willful (Law Enforcement Staff)  
☐ Homicide Willful (Other Inmate)  
☒ Homicide Justified (Law Enforcement Staff)  
☐ Homicide Justified (Other Inmate)  
☐ Execution  
☐ Cannot Be Determined  
☐ Other

**MEANS OF DEATH**

(Check One)

- ☐ Pending Investigation  
☐ Not Applicable (Natural)  
☒ Handgun  
☐ Rifle/Shotgun  
☐ Club, Blunt Instrument  
☐ Hands, Feet, Fists  
☐ Knife, Cutting Instrument  
☐ Hanging, Strangulation  
☐ Alcohol/Drug Overdose  
☐ Execution: Lethal Gas/Injection  
☐ Cannot Be Determined  
☐ Other

**DATA SUPPLIED BY (Please print the following information):**

Name: Tim Norris

Title: Detective

Agency: San Diego Police Department

Telephone: [REDACTED]

Address: 1401 Broadway San Diego, Ca. 92101

Send completed form to: Department of Justice

Criminal Justice Statistics Center

P.O. Box 903427

Sacramento, CA 94203-4270

Facsimile: [REDACTED]

Telephone: [REDACTED]

# OFFICER INVOLVED INCIDENT CHECKLIST

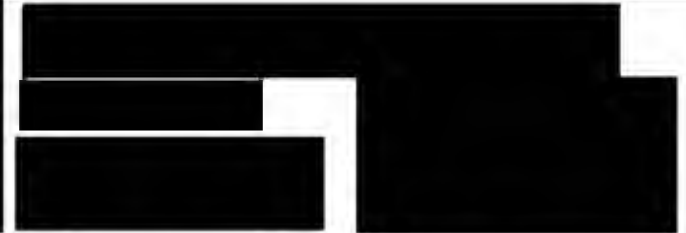
NAME: Last ALBERTS First Michael Middle Robert  
 Age [REDACTED] D.O.B. [REDACTED] Height 6-0  
 Weight 210 Hair Brn Eyes Blue  
 Police ID# 4835 Badge # 2514  
 Date of Hire 7/1/1991  
 Assignment Northwestern Division/ SWAT  
 Supervisor Sgt. Blaine Ferguson  
 Length of Assignment Since 2009  
 Unit # 936J Equipment # PRT 7163  
 Work Hours 2100-0700 Days Off S-M-T  
 Hours of Sleep Prior to Shift 7 Hours



Primary Weapon  
 Make Springfield Caliber .45 Cal.  
 Serial # [REDACTED] Model TRP

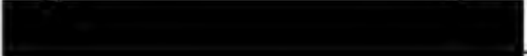


Right/Left Handed Ambi- Right handed Shooter



Have you consumed alcohol in the past 24 hours? If so

Type None Quantity N/A



Number of rounds carried in magazine or cylinder?

Primary Weapon



If so, how?

Less than Lethan Force Used? Yes ☐ No ☐

OCN (Pepper Spray) ☐ Baton ☐ ASP ☐

Nunchukas ☐ Taser ☐ Beanbag ☐

Other ☐

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta [REDACTED] Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**RECOVERY OF OFFICER ALBERTS' FLASHLIGHT**

**SYNOPSIS:**

On July 3, 2015 at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to [REDACTED] Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with the rest of Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Dave SPITZER #4665, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

I was assigned to conduct the crime scene investigation and CSS SOUTHERLANDS assisted me by photographing and collecting evidence recovered during the investigation.

At 0440 hours, while processing the crime scene, I received a call from Sgt. PENDLETON. Sgt. PENDLETON informed me that during his interview, Officer ALBERTS stated he dropped his flashlight on the porch during the shooting. Officer ALBERTS said he recovered the flashlight and took it with him when he was transported to Northwestern Division following the shooting. Sgt. PENDLETON also told me that following the shooting Officer ALBERTS insisted on driving his patrol vehicle (#7163) to the substation due to the amount of SWAT equipment and firearms, which were contained in the vehicle. Sgt. PENDLETON requested that I go to Northwestern Division, take custody of the flashlight and have CSS SOUTHERLAND photograph Officer ALBERTS' vehicle.

At 0550 hours CSS SOUTHERLAND and I arrived at the Northwestern Substation. CSS SOUTHERLAND took interior and exterior photographs of vehicle #7163 and I met with Detective MILES. Detective MILES turned over Officer ALBERTS' flashlight, a black Olight M22 Warrior bearing serial number [REDACTED] When CSS SOUTHERLAND completed her photographs we returned to police headquarters. I then impounded the flashlight under barcode 1050611

Reporting Detective Tim Norris I.D. 3979 Homicide Team: I  
Approved by: Sgt J.Saflar #5193 Date of this report: July 8<sup>th</sup>, 2015 Time: 1600 Hrs



OIS Case #: 15-028434

Officer: Alberts, Michael

Suspect: Nguyen, Ton

Date/Time: 7/3/15 @ 0005 Hrs

Location: 14692 Via Fiesta

San Diego, CA

Scene Investigator: Det. T. Morris, #3979

Approved by: [Redacted]

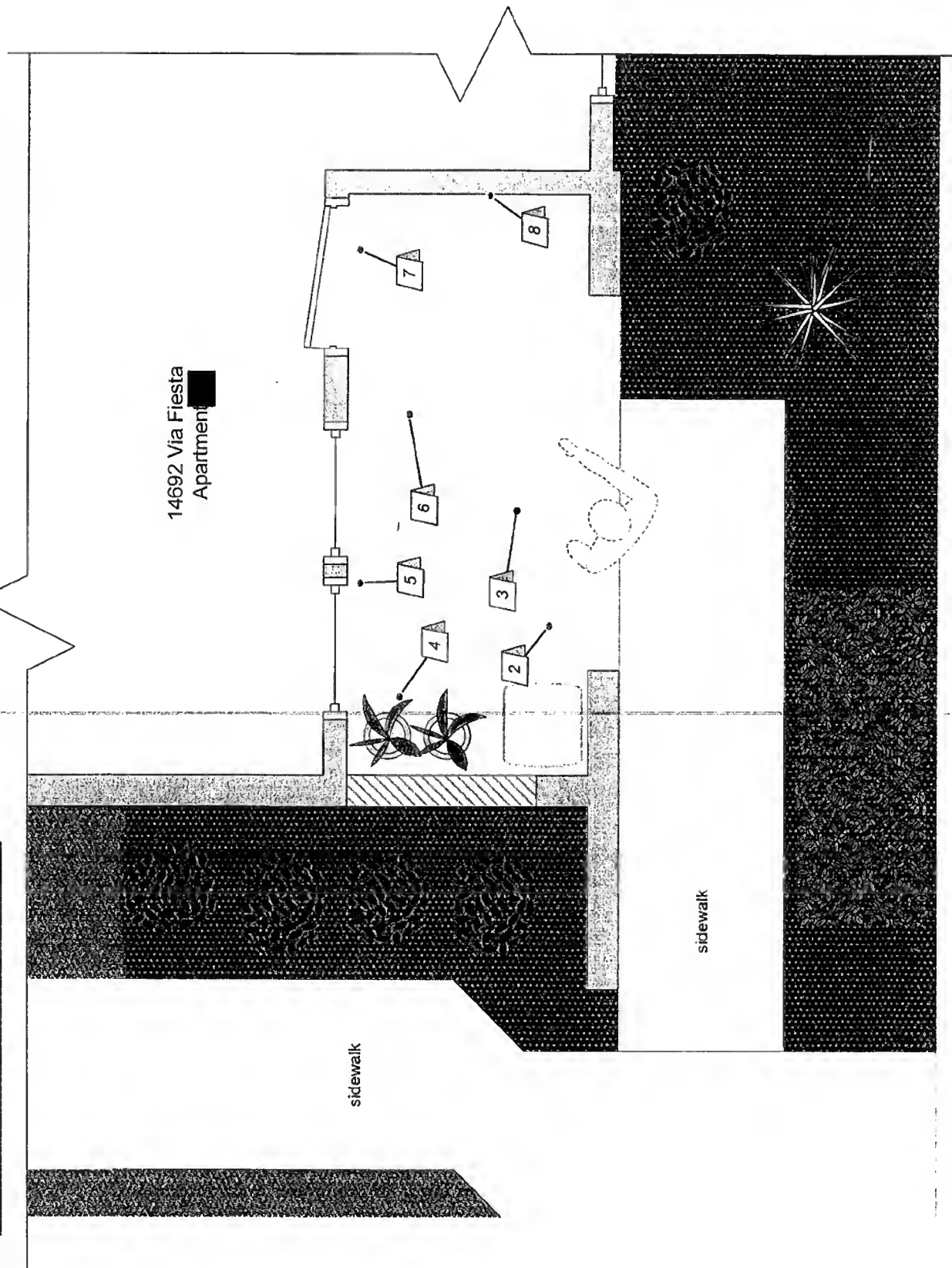
Prepared by: Lelapa Wesh, #0536

### Evidence Markers

1	Burnt matches (from street next to suspect's car)	5	Hat
2	Brown sandals	6	Shirt
3	Swabs of apparent blood	7	Eyeglasses
4	Knife	8	EKG printout



Not to Scale







# SAN DIEGO POLICE DEPARTMENT

## Forensic Science Laboratory DNA Request Form

If e-mailed, must be sent as attachment to: [REDACTED]



Victim(s): ALBERTS, Michael

Suspect(s): NGUYRN, Ton

Incident #: 15070003825 Case #: 15-028434

Charge(s): 245 (A)(1) PC Date of Crime: 7/3/2015

Detective: T.Norris Unit: Homicide

Phone #: [REDACTED] Today's Date: 7/13/2015

E-mail: [REDACTED] M.S. #: [REDACTED]

### Case Priority:

☐ Lead ☐ Issuing

☐ Prelim.: \_\_\_\_\_

☐ Trial: \_\_\_\_\_

### Attorney Information:

DDA: \_\_\_\_\_

Phone: \_\_\_\_\_

**ITEMS ANALYZED AND METHODS USED ARE AT THE DISCRETION OF LABORATORY MANAGEMENT AND/OR ANALYST**

### Crime Scenario (brief description of events, or for guns, circumstances leading to collection)

Officer Mike ALBERTS shot NGUYEN after NGUYEN came at him with a knife. NGUYEN dropped the knife at the scene. Please obtain DNA swab from the knife to compare against NGUYEN'S profile

**Please analyze the following:** (The laboratory reserves the right to consume the evidence if no suspect is identified on the case. You will receive an email on this at a later time should it be necessary.)

Item Description	Barcode	Collected From?	Latent Print Request Submitted?	Barcode of CSU Swab(s)
Knife	10507733	Crime Scene	Yes	

### Reference samples available:

Name	CII / FBI #	Barcode	Relationship to Case	Consent Form?
Ton NGUYEN	[REDACTED]	10507806	Suspect	No, felony arrestee.

Note: If appropriate, reference standards must be collected prior to submitting the work request. The presence of a suspect's sample in the CODIS database does not eliminate the need to collect a suspect's reference.

<b>OFFICE USE ONLY</b>			
Start Date: _____	End Date: _____		
Examiner's Initials: _____	Examiner's ID #: _____		
# of items processed: _____			
Developed Latent Prints:	<table border="1"> <tr> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> </tr> </table>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/>	No <input type="checkbox"/>		



**FORENSIC SCIENCE  
SECTION**

**San Diego Police  
Department**



**LATENT PRINT  
DEVELOPMENT**

**WORK REQUEST**

Return form to LabRequest@pd.sandiego.gov

<b>CASE PRIORITY</b>	
<input type="checkbox"/> Prelim	Date: _____
<input type="checkbox"/> Trial	Date: _____
Attorney Information (Mandatory for Prelim or Trial)	
DDA: _____	
Phone: _____	

Today's Date: 07-08-15

Case **and** Incident #: 15070003825, 15-028431,

Charge: 245(a)(1) PC

Additional Case and/or Incident #'s: 15-028434

Series Related: Yes ☐ No ☒

Victim (s): Alberts, Michael

Suspect (s): NGUYEN, Ton

Requesting Detective: T. Norris

ID # 3979

Requesting Detective's Division: Homicide

Mail Station: [REDACTED]

Phone #: [REDACTED]

Requesting Detective's E-Mail (Required): [REDACTED]

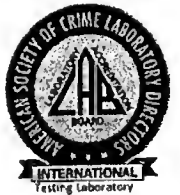
**BARCODE NUMBER AND DESCRIPTION MUST BE LISTED BELOW**

**INCOMPLETE FORMS WILL BE RETURNED TO THE REQUESTER**

**ITEMS ANALYZED AND METHODS USED ARE AT THE DISCRETION OF LABORATORY MANAGEMENT AND/OR ANALYST**

Crime Scenario (brief description of events, or circumstances leading to collection and processing):
Officer Mike Alberts responded to a disturbance and was confronted by Ton NGUYEN who was wielding a knife. NGUYEN ignored Officer ALBERTS' orders to drop the knife. When NGUYEN continued to advance, Officer ALBERTS shot him. Please attempt to locate latent prints on the knife.

Barcode / PT #	Item Description
10507733	Black handled kitchen knife



Page \_\_\_\_\_

San Diego Police Department

**INTERNAL CHAIN  
OF CUSTODY**

Forensic Science Section

Victim(s) SDPD Officer M. Alberts #4835

Suspect(s) Ton Ngoc NGUYEN

Incident # <u>15070003825</u> Case # <u>15-028434</u>	
Released By: Name/ID <u>H. Morreira</u> <u>#8702</u> <u>(CSU Gun Locker)</u>	Received By <u>[REDACTED]</u> ID# <u>8512</u> Items Received <u>unsealed box - Officer M. Albert #4835 firearm with</u> <u>(SPRINGFIELD) with [REDACTED]</u> Purpose <u>unload</u> Date <u>06 July 15 0850</u>
Released By: Name/ID <u>[REDACTED]</u> <u>8512</u> <u>(CSU gun locker)</u>	Received By <u>H. Morreira</u> ID# <u>8702</u> Items Received <u>unsealed box - firearm with serial [REDACTED]</u> <u>(SPRINGFIELD) with [REDACTED]</u> Purpose <u>release to Homicide Sergeant</u> Date <u>7/7/15 @ 1527</u>
Released By: Name/ID <u>H. Morreira</u> <u>#8702</u> <u>in CSU</u>	Received By <u>SGT J. SAFUA</u> ID# <u>5193</u> Items Received <u>unsealed box with SPRINGFIELD FIREARM</u> <u>with serial # [REDACTED] and with [REDACTED]</u> Purpose <u>release to JOHN PINER 4569</u> Date <u>7-7-15</u>
Released By: Name/ID _____ _____ _____	Received By _____ ID# <u>1527</u> Items Received _____ Purpose _____ Date _____
Released By: Name/ID _____ _____ _____	Received By _____ ID# _____ Items Received _____ Purpose _____ Date _____

**MEDICAL/BIOHAZARDOUS WASTE TRACKING DOCUMENT**

Date: 07-03-15

**GENERATOR**

Name:

Address:

Telephone:

Waste Type:

Quantity:

Other Info:

City of San Diego  
[Redacted]  
Box 102, San Diego  
1  
IN 10005

Site Address:

Signature:

☐ Same/ 14642 Via Fiesta, San Diego /A.

Printed [Signature]

**TRANSPORTER**

Name:

Address:

Telephone:

Other Info:

[Redacted]

TSWM Permit No. 143

Transporter No. 335

Job No.

7112

Signature:

Printed ARICHO S. VEGA

**RECEIVING FACILITY**

Name:

Address:

Telephone:

Other Info:

Stericycle, Inc.

2775 E. 26th St.

Vernon, CA 90058

[Redacted]

Signature:

Printed \_\_\_\_\_

A copy of this form must be kept by large quantity generators, small quantity generators with on-site treatment, haulers and receiving facilities for three years. Small quantity generators must keep a copy for two years.

[Redacted]



SAN DIEGO POLICE DEPARTMENT  
FORENSIC SCIENCE SECTION



FIREARMS UNIT LABORATORY REPORT

VICTIM: SDPD Officer M. ALBERTS, ID #4835  
SUSPECT: NGUYEN, Ton Ngoc  
CHARGE: OIS/Special Investigation  
CASE #: 15-028431  
INCIDENT #: 15070003825  
HOMICIDE TEAM 1: Sergeant B. Pendleton/Detective T. Norris  
DATE OF INCIDENT: July 2, 2015 (Thursday)  
SCENE LOCATION: 14692 Via Fiesta [REDACTED]  
CRIMINALIST: Lisa K. Wilson

EVIDENCE EXAMINED

SDPD Officer M. ALBERTS, ID #4835:

One Springfield Armory semiautomatic pistol, Model 1911-A1 TRP Operator Tactical, serial number [REDACTED] chambered in 45 Auto caliber, with attached flashlight and [REDACTED]

RESULTS AND CONCLUSIONS

DISPOSITION OF EVIDENCE

The Springfield Armory pistol was returned to the Crime Scene Unit's gun locker on July 7, 2015. The Firearms Processing Packet for the pistol was entered into the electronic evidence system (Barcode 10506926) and released to the Property Room on July 8, 2015.

[REDACTED]  
Lisa K. Wilson, ID# 8512  
Criminalist / Firearms Unit  
July 8, 2015

Technical Review: [REDACTED] 8257 Date: 7-8-15  
Administrative Review: [REDACTED] Date: 7-13-15



**SAN DIEGO POLICE DEPARTMENT  
FORENSIC SCIENCE SECTION**

**CRIME SCENE UNIT LABORATORY REPORT**



<b>VICTIM:</b>	SDPD Officer Michael ALBERTS, ID #4835
<b>SUSPECT:</b>	NGUYEN, Ton
<b>CHARGE:</b>	<b>OIS/Special Investigation / 245(a)(1) PC</b>
<b>INCIDENT #:</b>	15070003825
<b>CASE #:</b>	<b>15-028431 / 15-028434</b>
<b>HOMICIDE TEAM I:</b>	Detective T. Norris / Sergeant B. Pendleton
<b>DATE OF INCIDENT:</b>	July 2, 2015 (Thursday)
<b>SCENE LOCATION:</b>	14692 Via Fiesta [REDACTED]
<b>CRIME SCENE SPECIALIST:</b>	Ally Southerland
<b>CRIMINALIST:</b>	Brian Burritt

**CRIME SCENE UNIT REPORT 1**

**Scene**

I arrived at 14692 Via Fiesta [REDACTED] on July 3, 2015, at approximately 0115 hours. I met Criminalist B. Burritt, ID #8747, Detective T. Norris, ID #3979, Sergeant B. Pendleton, ID #4706, and other members of Homicide Team I, at this location. I took digital images #1 through #443, starting at approximately 0218 hours, and collected items of evidence starting at approximately 0402 hours.

*Photography*

- #1: View of the Via Landini and Via Fiesta street signs.
- #2 - #22: Views of Via Fiesta facing south.
- #23 - #43: Views of Via Fiesta facing north.
- #44 - #55: Views of Via Fiesta facing east.
- #56 - #66: Views of Via Fiesta facing west.
- #67 - #122: Views of the vehicles parked on Via Fiesta, within the scene perimeter.
- #123 - #137: Views of the San Diego Police Department patrol vehicle #7207<sup>9</sup>, with California exempt license plate "1413896."

**CRIME SCENE UNIT**  
**Crime Scene Unit Report 1**  
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**July 10, 2015**  
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#138 - #156: Views of the San Diego Police Department patrol vehicle #7146<sup>9</sup>, with California exempt license plate "1413921."

#157 - #165: Views of the silver-colored Honda Civic with California license plate [REDACTED] (suspect's vehicle), parked along the west curb of Via Fiesta, including views of the matches on the pavement, on the east side of the vehicle.

#166 - #168: Location views of the evidence item identified with placard 1.

#169 - #170: Views of the matches (placard 1).

Digital images #171 through #212 were taken of the exterior of the residence located at 14692 Via Fiesta [REDACTED] (suspect's residence).

#171 - #176: Views of the front (west) side of the residence, including views of the building address placard and the walkway.

#177 - #199: Views of the porch and front entrance to the residence, including views of the unit placard and the blue cone. The blue cone represents the approximate location San Diego Police Officer M. Alberts, ID #4835, stated he was standing when he fired his weapon.

#200 - #203: Views of the walkway on the front (east) side of the residence.

#204 - #205: Location views of the evidence items identified with placards 3 through 8.

#206: View of the apparent bloodstain, from which a sample was collected (placard 3).

#207: View of the knife (placard 4).

#208: View of the hat (placard 5).

#209: View of the shirt (placard 6).

#210: View of the eyeglasses (placard 7).

#211: View of the "HEARTSMART" printout (placard 8).

#212: View of the front (east) door to the residence.

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Digital images #213 through #443 were taken inside the residence located at 14692 Via Fiesta  
[REDACTED]

- #213 - #228: Views of the living room.
- #229 - #284: Views of the kitchen.
- #285 - #293: Views of the hallway, including the hallway closet and cupboards.
- #294 - #339: Views of the bathroom.
- #340 - #342: Views leading from the bathroom to the northeast bedroom.
- #343 - #374: Views of the northeast bedroom.
- #375 - #376: Views leading from the northeast bedroom to the east bedroom.
- #377 - #412: Views of the east bedroom.
- #413 - #414: Views leading from the east bedroom to the northeast bedroom.
- #415 - #416: Views of the prescription bottles in the northeast bedroom.
- #417 - #420: Views leading from the northeast bedroom to the garage.
- #421 - #443: Views of the garage.

*Evidence*

- 10507699:** Sixty-nine matches (placard 1). This item was collected from the southbound lane of Via Fiesta, east of the silver-colored Honda Civic with California license plate [REDACTED] (suspect's vehicle).
- 10507701:** One pair of brown "Biti's" sandals with apparent bloodstains (placard 2). This item was collected from the concrete porch, in the southeast corner.
- 10507705:** One swab of an apparent bloodstain (placard 3). This item was collected from the concrete porch, near the center of the porch.



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- 10507733:** One kitchen knife with apparent bloodstains (placard 4). The knife has a black handle and "STAINLESS STEEL" engraved on one side of the blade. This item was collected from the concrete porch, in the southwest corner.
- 10507751:** One brown and blue baseball-style hat with apparent bloodstains and "104.5 FM Radio Latina siempre joven... siempre fina" embroidered on the front (placard 5). This item was collected from the concrete porch, along the west wall.
- 10507756:** One tan, size "M/M" polo-style "ST. JOHNS BAY" collared shirt with blue horizontal stripes (placard 6). The shirt has apparent bloodstains, medical intervention cuts and holes. This item was collected from the concrete porch, along the west wall.
- 10507760:** One pair of "DENIM" eyeglasses with silver-colored frames, apparent bloodstains and hair (placard 7). This item was collected from the concrete porch, in front (east) of the front door.
- 10507761:** One "HEARTSMART MRX" printout dated "03 Jul 2015 00:13:13" torn, with apparent bloodstains (placard 8). This item was collected from the concrete porch, along the north wall.

**Vehicle Photography**

I arrived at San Diego Police Department Northwestern substation on July 3, 2015, at approximately 0551 hours, to photograph the San Diego Police Department patrol vehicle #7163<sup>9</sup>, with California license plate "1413876." I met Detective T. Norris, ID #3979, at this location. I took digital images #444 through #463, starting at approximately 0556 hours. No evidence was collected.

#444 - #463: Views of the vehicle.

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**Crime Scene Unit Report 1**  
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**Autopsy**

I arrived at the San Diego County Medical Examiner's Office on July 3, 2015, at approximately 0915 hours, to attend the autopsy of the suspect, Ton Nguyen [REDACTED] I met Detective T. Norris, ID #3979, at this location. I took digital images #444 through #563, starting at approximately 0928 hours, and collected and/or received items of evidence starting at approximately 0931 hours.

*Photography*

#464 - #467: Views of the sealed body bag, red lock and name tag.

#468 - #469: Views of the suspect before the head, hand and foot bags were removed.

#470 - #471: Views of the suspect after the head, hand and foot bags were removed.

#472 - #482: Views of the suspect's hands.

Digital images #483 through #505 were taken of the suspect in an unwashed and unclothed condition.

#483 - #502: Views of the left, right, front and back sides of the suspect after medical intervention items were removed.

#503 - #505: Views of the apparent bullet hole on the suspect's torso.

Digital images #506 through #557 were taken of the suspect in a washed and unclothed condition.

#506 - #520: Views of the left, right and front sides of the suspect.

#521 - #530: Views of the suspect's hands.

#531 - #532: Views of the discoloration on the suspect's face.

#533 - #534: Views of the apparent injury on the suspect's left arm.

#535 - #538: Views of the discolorations on the suspect's chest.

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**Crime Scene Unit Report 1**  
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- #539 - #540: Views of the apparent bullet hole on the suspect's torso.
- #541 - #542: Views of the discoloration on the suspect's right arm.
- #543 - #544: Views of the apparent scar on the suspect's right hip.
- #545 - #546: Views of the apparent injury on the suspect's right leg.
- #547 - #548: Views of skin pigmentation on the suspect's torso.
- #549 - #550: Views of the discoloration on the suspect's neck.
- #551 - #557: Views of the suspect's back, including the area where Dr. Campman removed the bullet.
- #558 - #559: Views of the bullet.
- #560 - #563: Views of the suspect, taken at the direction of Dr. Campman.

*Evidence*

- 10507773:** One paper bag removed from the suspect's head.
  - 10507774:** One paper bag removed from the suspect's left hand.
  - 10507775:** One paper bag removed from the suspect's right hand.
  - 10507778:** One paper bag removed from the suspect's left foot.
  - 10507780:** One paper bag removed from the suspect's right foot.
  - 10507794:** One pair of size "34 x 32" blood soaked "RUSTLER" blue denim shorts with apparent medical intervention cuts. The legs appear to be hemmed. A black belt, with apparent bloodstains, is threaded through the belt loops. This item was collected from under the suspect.
  - 10507805:** One pair of blood soaked "Fruit of the Loom" underwear with apparent medical intervention cuts. This item was collected from under the suspect.
  - 10507806:** Two reference mouth swabs (used simultaneously).
-

**CRIME SCENE UNIT**  
**Crime Scene Unit Report 1**  
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**10507807:** Fingernail scrapings from the left hand.

**10507808:** Fingernail scrapings from the right hand.

**10507810:** Plucked head hair.

I received the following item of evidence from Dr. Campman.

**10507811:** One bullet. The envelope is labeled "PROJECTILE, BACK" by Dr. Campman.

I received the following three items of evidence from Forensic Autopsy Specialist C. Holton.

**10507812:** One set of inked finger and palm prints.

**10507814:** One rib bone sample.

**10507815:** One vial of the suspect's blood.

**10507817:** One reference bloodstain card, prepared from the vial of the suspect's blood (10507815), in the San Diego Police Department Crime Scene Unit, on July 8, 2015, at approximately 1408 hours.

*Discs*

**10507823:** One "Master" DVD containing digital images #1 through #443 of the scene.

**10507824:** One "Working Copy" DVD containing digital images #1 through #443 of the scene.

**10507826:** One "Master" DVD containing digital images #444 through #563 of the vehicle photography and autopsy.

**10507827:** One "Working Copy" DVD containing digital images #444 through #563 of the vehicle photography and autopsy.

CRIME SCENE UNIT  
Crime Scene Unit Report 1  
Incident #15070003825  
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July 10, 2015  
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#### DISPOSITION OF EVIDENCE

Each item of evidence was assigned a unique barcode and will be impounded in the *Headquarters Property Room* under *Incident #15070003825*.

[REDACTED]  
Amy Southerland, ID #8841

Crime Scene Specialist  
July 10, 2015

Technical Review: [REDACTED] Blel Date: 07-28-15  
Administrative Review: [REDACTED] 879.1 Date: 7-29-2015



**SAN DIEGO POLICE DEPARTMENT  
FORENSIC SCIENCE SECTION**

**CRIME SCENE UNIT LABORATORY REPORT**



<b>VICTIM:</b>	SDPD Officer M. ALBERTS, ID #4835
<b>SUSPECT:</b>	NGUYEN, Ton Ngoc
<b>CHARGE:</b>	<b>OIS/Special Investigation</b> / 245(a)(1) PC
<b>INCIDENT #:</b>	15070003825
<b>CASE #:</b>	<b>15-028431</b> / 15-028434
<b>HOMICIDE TEAM 1:</b>	Detective T. Norris / Sergeant. B. Pendleton
<b>DATE OF INCIDENT:</b>	July 2, 2015 (Thursday)
<b>SCENE LOCATION:</b>	14692 Via Fiesta ■■■■■
<b>CRIME SCENE SPECIALIST:</b>	Heather Morreira

**CRIME SCENE UNIT REPORT 2**

**Officer (Victim) Processing**

I arrived at the San Diego Police Department Crime Scene Unit Studio on July 3, 2015, at approximately 0336 hours, to process San Diego Police Department Officer M. Alberts, ID #4835. I took digital images #1 through #24, starting at approximately 0340 hours. No items of evidence were collected.

*Photography*

- #1 - #12: Views of the front, left, back and right sides of the officer.
- #13 - #14: Views of the officer's hands.
- #15 - #16: Views of the badge and name plate on the front of the officer's uniform shirt.
- #17 - #24: Views of the officer's gun belt.

**CRIME SCENE UNIT**  
**Crime Scene Unit Report 2**  
**Incident #15070003825**  
**Case #15-028431**  
**July 15, 2015**  
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*Officer's Weapon*

I arrived at the San Diego Police Department Homicide Unit on July 3, 2015. I received the following item from Sergeant J. Saflar, ID #5193, at approximately 0440 hours.

One unsealed box with the following hand printed on it:

"1 SPRINGFIELD FIREARM, 45 CAL, [REDACTED]

[REDACTED]  
FROM OFFICER MICHAEL ALBERTS  
SGT JOHN SAFLAR #5193"

This box contained:

- One black "SPRINGFIELD CAL. 45" firearm with serial number [REDACTED] with a black "STREAMLIGHT" tactical light attached. [REDACTED]

- [REDACTED]

*Discs*

**10508504:** One "MASTER" DVD containing digital images #1 through #24 of the officer (victim) processing.

**10508505:** One "WORKING COPY" DVD containing digital images #1 through #24 of the officer (victim) processing.

**DISPOSITION OF EVIDENCE**

The discs were each assigned a unique barcode and will be impounded in the *Headquarters Property Room* under *Incident # 15070003825*.

**CRIME SCENE UNIT**  
**Crime Scene Unit Report 2**  
**Incident #15070003825**  
**Case #15-028431**  
**July 15, 2015**  
**Page 3 of 3**

Officer M. Alberts', ID #4835, firearm (with serial number [REDACTED])  
[REDACTED] were released to Sergeant J. Saflar, ID #5193, in the Crime Scene Unit on  
July 7, 2015, at approximately 1527 hours.



**Heather Morreira**  
**Crime Scene Specialist**  
**July 15, 2015**

Technical Review: [REDACTED] 8/6/1 Date: 07-15-15

Administrative Review: [REDACTED] 8791 Date: 7-15-2015





**SAN DIEGO POLICE DEPARTMENT  
FORENSIC SCIENCE SECTION**

**CRIME SCENE UNIT LABORATORY REPORT**



**VICTIM:** SDPD Officer Michael ALBERTS, ID #4835  
**SUSPECT:** NGUYEN, Ton  
**CHARGE:** OIS/Special Investigation / 245(a)(1) PC  
**INCIDENT #:** 15070003825  
**CASE #:** 15-028431 / 15-028434  
**HOMICIDE TEAM I:** Detective T. Norris / Sergeant B. Pendleton  
**DATE OF INCIDENT:** July 2, 2015 (Thursday)  
**SCENE LOCATION:** 14692 Via Fiesta [REDACTED]  
**CRIME SCENE SPECIALIST:** Ally Southerland

**CRIME SCENE UNIT REPORT 3**

**Evidence Processing**

I began processing the evidence item listed below on July 8, 2015, at approximately 1245 hours. This item was processed prior to impound.

**10507733:** One kitchen knife with apparent bloodstains. The knife has a black handle and "STAINLESS STEEL" engraved on one side of the blade.

**Techniques:** This item was processed using visual examination, cyanoacrylate ester fuming, black powder and swabbing.

**Results:** No prints developed.

**10508147:** One swab of an apparent bloodstain was collected from the blade of the knife (near "STAINLESS STEEL"), before print processing.

**10508149:** One swab of possible DNA evidence was collected from the handle of the knife (avoiding apparent bloodstains), after print processing.

**10508150:** One swab of possible DNA evidence was collected from the blade of the knife (avoiding apparent bloodstains), after print processing.

*Discs*

**10508154:** One "Master" CD containing digital images #1 through #6 of the knife.

**10508155:** One "Working Copy" CD containing digital images #1 through #6 of the knife.

CRIME SCENE UNIT  
Crime Scene Unit Report 3  
Incident #15070003825  
Case #15-028431  
July 10, 2015  
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#### DISPOSITION OF EVIDENCE


The processed item and the resulting items, which were each assigned a unique barcode, will be impounded in the *Headquarters Property Room* under *Incident #15070003825*.

[REDACTED]  
Ally Southerland, ID #8841  
Crime Scene Specialist  
July 10, 2015

Technical Review: [REDACTED] 8161 Date: 07-10-15  
Administrative Review: [REDACTED] 8791 Date: 7-13-2015

**SAN DIEGO POLICE DEPARTMENT**  
**Property Report**

Incident Number: **15070003825** Case Number: **15-028434**  
Suspect: **NGUYEN, Ngoc** DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
 10506011	1	FLASHLIGHT	Olight M22 Warrior Serial # [REDACTED]

Flashlight in nylon holster with spare yellow battery

Recovered By: **MILES, WILLIAM 5473**

Date Recovered: **07/04/2015**

Recovery Address / Location: **SDPD NW Division**

Transported By: **NORRIS, TIMOTHY** 3979 on 7/3/15 0700

Impounded By: **TIMOTHY NORRIS** 7/3/15 8:03

 10506926	2	LABORATORY EVIDENCE	
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FA Processing Packet for OFC Alberts, #4835 (Springfield Armory S/N: [REDACTED])  
bore swab, chamber contents, testfires [REDACTED]

Recovered By: **WILSON, LISA 8512**

Date Recovered: **07/06/2015**

Recovery Address / Location: **1401 Broadway Crime Lab - FA Unit**

Impounded By: **Wilson, Lisa** 7/6/15 15:21

 10507699	3	OTHER - See Additional Description for Further	
--	---	--	--

Sixty-nine matches.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **14692 Via Fiesta [REDACTED] (scene). Collected from the southbound  
lane of Via Fiesta, east of the Honda Civic (CA [REDACTED]) suspect's ve**

Impounded By: **Southerland, Ally** 7/8/15 11:27

 10507701	4	SHOES	
---	---	-------	--

One pair of brown "Biti's" sandals with apparent bloodstains.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **14692 Via Fiesta [REDACTED] Collected from the concrete porch, in the  
southeast corner.**

Impounded By: **Southerland, Ally** 7/8/15 11:34

 10507705	5	BLOOD SWAB	
---	---	------------	--

One swab of an apparent bloodstain.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **14692 Via Fiesta [REDACTED] Collected from the concrete porch, near  
the center of the porch.**

Impounded By: **Southerland, Ally** 7/8/15 11:49

# SAN DIEGO POLICE DEPARTMENT






## Property Report

Incident Number: **15070003825**

Case Number: **15-028431**

Suspect: **NGUYEN, Ton**

DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
 10507733	6	KNIFE	<p>One kitchen knife with apparent bloodstains. The knife has a black handle and "STAINLESS STEEL" engraved on one side of the blade.</p> <p>Recovered By: <b>Southerland, Ally 8841</b>  Date Recovered: <b>07/03/2015</b>  Recovery Address / Location: <b>14692 Via Fiesta</b> Collected from the concrete porch, in the southwest corner.</p> <p>Impounded By: <b>Southerland, Ally 7/8/15 12:45</b></p>
 10507751	7	HAT	<p>One brown and blue baseball-style hat with apparent bloodstains and "104.5 FM Radio Latina siempre joven... siempre fina" embroidered on the front.</p> <p>Recovered By: <b>Southerland, Ally 8841</b>  Date Recovered: <b>07/03/2015</b>  Recovery Address / Location: <b>14692 Via Fiesta</b> Collected from the concrete porch, along the west wall.</p> <p>Impounded By: <b>Southerland, Ally 7/8/15 13:21</b></p>
 10507756	8	CLOTHING	<p>One tan, size "M/M" polo-style "ST. JOHNS BAY" collared shirt with blue horizontal stripes. The shirt has apparent bloodstains, medical intervention cu</p> <p>Recovered By: <b>Southerland, Ally 8841</b>  Date Recovered: <b>07/03/2015</b>  Recovery Address / Location: <b>14692 Via Fiesta</b> Collected from the concrete porch, along the west wall.</p> <p>Impounded By: <b>Southerland, Ally 7/8/15 13:35</b></p>
 10507760	9	EYEGLASSES	<p>One pair of "DENIM" eyeglasses with silver-colored frames, apparent bloodstains and hair.</p> <p>Recovered By: <b>Southerland, Ally 8841</b>  Date Recovered: <b>07/03/2015</b>  Recovery Address / Location: <b>14692 Via Fiesta</b> Collected from the concrete porch, in front (east) of the front door.</p> <p>Impounded By: <b>Southerland, Ally 7/8/15 13:47</b></p>
 10507761	10	OTHER - See Additional Description for Further	<p>One "HEARTSMART MRX" printout dated "03 Jul 2015 00:13:13" torn, with apparent bloodstains.</p>

# SAN DIEGO POLICE DEPARTMENT

## Property Report

Incident Number: **15070003825**

Case Number: **15-028431**

Suspect: **NGUYEN, Ton**      DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
		Recovered By: <b>Southerland, Ally 8841</b>	
		Date Recovered: <b>07/03/2015</b>	
		Recovery Address / Location: <b>14692 Via Flesta</b> [REDACTED]	Collected from the concrete porch, along the north wall.
		Impounded By: <b>Southerland, Ally</b>	<b>7/8/15 13:53</b>



10507773

11      BAG

One paper bag removed from the suspect's head.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office (s) NGUYEN, Ton** [REDACTED]

Impounded By: **Southerland, Ally**      **7/8/15 14:30**



10507774

12      BAG

One paper bag removed from the suspect's left hand.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office (s) NGUYEN, Ton** [REDACTED]

Impounded By: **Southerland, Ally**      **7/8/15 14:33**



10507775

13      BAG

One paper bag removed from the suspect's right hand.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office (s) NGUYEN, Ton** [REDACTED]

Impounded By: **Southerland, Ally**      **7/8/15 14:34**



10507776

14      BAG

One paper bag removed from the suspect's left foot.

Recovered By: **Southerland, Ally 8841**

Date Recovered: **07/03/2015**

Recovery Address / Location: **San Diego County Medical Examiner's Office (s) NGUYEN, Ton** [REDACTED]

Impounded By: **Southerland, Ally**      **7/8/15 14:36**



10507780

15      BAG

One paper bag removed from the suspect's right foot.






# SAN DIEGO POLICE DEPARTMENT

## Property Report

Incident Number: **15070003825**

Case Number: **15-028431**

Suspect: **NGUYEN, Ton**      DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
		Recovered By: <b>Southerland, Ally 8841</b>	
		Date Recovered: <b>07/03/2015</b>	
		Recovery Address / Location: <b>San Diego County Medical Examiner's Office (s) NGUYEN, Ton</b>	
		Impounded By: <b>Southerland, Ally 7/8/15 14:37</b>	
 10507794	16	CLOTHING	One pair of size "34 x 32" blood soaked "RUSTLER" blue denim shorts. See comments.
		Recovered By: <b>Southerland, Ally 8841</b>	
		Date Recovered: <b>07/03/2015</b>	
		Recovery Address / Location: <b>San Diego County Medical Examiner's Office (s) NGUYEN, Ton</b>	
		Impounded By: <b>Southerland, Ally 7/8/15 14:54</b>	
 10507805	17	CLOTHING	One pair of blood soaked "Fruit of the Loom" underwear with apparent medical intervention cuts.
		Recovered By: <b>Southerland, Ally 8841</b>	
		Date Recovered: <b>07/03/2015</b>	
		Recovery Address / Location: <b>San Diego County Medical Examiner's Office (s) NGUYEN, Ton</b>	
		Impounded By: <b>Southerland, Ally 7/8/15 15:03</b>	
 10507806	18	MOUTH SWAB	Two reference mouth swabs (used simultaneously).
		Recovered By: <b>Southerland, Ally 8841</b>	
		Date Recovered: <b>07/03/2015</b>	
		Recovery Address / Location: <b>San Diego County Medical Examiner's Office (s) NGUYEN, Ton</b>	
		Impounded By: <b>Southerland, Ally 7/8/15 15:12</b>	
 10507807	19	LABORATORY EVIDENCE	Fingernail scrapings from the left hand.
		Recovered By: <b>Southerland, Ally 8841</b>	
		Date Recovered: <b>07/03/2015</b>	
		Recovery Address / Location: <b>San Diego County Medical Examiner's Office (s) NGUYEN, Ton</b>	
		Impounded By: <b>Southerland, Ally 7/8/15 15:15</b>	
 10507808	20	LABORATORY EVIDENCE	Fingernail scrapings from the right hand.

# SAN DIEGO POLICE DEPARTMENT






## Property Report

Incident Number: 15070003825

Case Number: 15-028431

Suspect: NGUYEN, Ton

DOB: 01/16/1955

BarCode	Item #	Item Type	Description
Recovered By: Southerland, Ally 8841 Date Recovered: 07/03/2015 Recovery Address / Location: San Diego County Medical Examiner's Office (s) NGUYEN, Ton [REDACTED] Impounded By: Southerland, Ally 7/8/15 15:16			
 10507810	21	LABORATORY EVIDENCE	Plucked head hair.
Recovered By: Southerland, Ally 8841 Date Recovered: 07/03/2015 Recovery Address / Location: San Diego County Medical Examiner's Office (s) NGUYEN, Ton [REDACTED] Impounded By: Southerland, Ally 7/8/15 15:18			
 10507811	22	BULLET (Fired-Not Ammo)	One sealed envelope labeled "PROJECTILE, BACK."
Recovered By: Southerland, Ally 8841 Date Recovered: 07/03/2015 Recovery Address / Location: San Diego County Medical Examiner's Office (s) NGUYEN, Ton [REDACTED] Received from Dr. Campman. Impounded By: Southerland, Ally 7/8/15 15:20			
 10507812	23	LABORATORY EVIDENCE	One set of inked finger and palm prints.
Recovered By: Southerland, Ally 8841 Date Recovered: 07/03/2015 Recovery Address / Location: San Diego County Medical Examiner's Office (s) NGUYEN, Ton [REDACTED] Received from Forensic Autopsy Specialist C. Holton. Impounded By: Southerland, Ally 7/8/15 15:24			
 10507814	24	LABORATORY EVIDENCE	One rib bone sample.
Recovered By: Southerland, Ally 8841 Date Recovered: 07/03/2015 Recovery Address / Location: San Diego County Medical Examiner's Office (s) NGUYEN, Ton [REDACTED] Received from Forensic Autopsy Specialist C. Holton. Impounded By: Southerland, Ally 7/8/15 15:26			
 10507815	25	BLOOD VIAL	One vial of the suspect's blood.






# SAN DIEGO POLICE DEPARTMENT

## Property Report

Incident Number: **15070003825**

Case Number: **15-028431**

Suspect: **NGUYEN, Ton** DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/03/2015</b> Recovery Address / Location: <b>San Diego County Medical Examiner's Office (s) NGUYEN, Ton</b> Received from Forensic Autopsy Specialist C. Holton.			
Impounded By: <b>Southerland, Ally 7/8/15 15:27</b>			
 10507817	26	LABORATORY EVIDENCE	One reference bloodstain card. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/08/2015</b> Recovery Address / Location: <b>San Diego Police Department Crime Scene Unit. Prepared from the vial of the suspect's blood (10507815).</b>
Impounded By: <b>Southerland, Ally 7/8/15 15:32</b>			
 10507823	27	CD / DVD	One "Master" DVD containing digital images #1 through #443 of the scene. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/03/2015</b> Recovery Address / Location: <b>14692 Via Fiesta</b> Master (Scene).
Impounded By: <b>Southerland, Ally 7/8/15 15:58</b>			
 10507824	28	CD / DVD	One "Working Copy" DVD containing digital images #1 through #443 of the scene. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/03/2015</b> Recovery Address / Location: <b>14692 Via Fiesta</b> Working Copy (Scene).
Impounded By: <b>Southerland, Ally 7/8/15 15:59</b>			
 10507825	29	CD / DVD	One "Master" DVD containing digital images #444 through #563 of the vehicle processing and autopsy. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/03/2015</b> Recovery Address / Location: <b>SDPD Northwestern substation, San Diego County Medical Examiner's Office. Master (vehicle and autopsy).</b>
Impounded By: <b>Southerland, Ally 7/8/15 16:00</b>			
 10507827	30	CD / DVD	One "Working Copy" DVD containing digital images #444 through #563 of the vehicle processing and autopsy.








# SAN DIEGO POLICE DEPARTMENT

## Property Report

Incident Number: **15070003825**

Case Number: **15-028431**

Suspect: **NGUYEN, Ton**      DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/03/2015</b> Recovery Address / Location: <b>SDPD Northwestern substation, San Diego County Medical Examiner's Office. Working Copy (vehicle processing and autopsy).</b> Impounded By: <b>Southerland, Ally 7/8/15 16:03</b>			
 10508147	31	BLOOD SWAB	One swab of an apparent bloodstain was collected from the blade of the knife (near "STAINLESS STEEL"), before print processing. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/08/2015</b> Recovery Address / Location: <b>CSU Knife (10507733).</b> Impounded By: <b>Southerland, Ally 7/9/15 12:38</b>
 10508149	32	DNA SWABS	One swab of possible DNA evidence was collected from the handle of the knife (avoiding apparent bloodstains), after print processing. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/09/2015</b> Recovery Address / Location: <b>CSU Knife (10507733).</b> Impounded By: <b>Southerland, Ally 7/9/15 12:39</b>
 10508150	33	DNA SWABS	One swab of possible DNA evidence was collected from the blade of the knife (avoiding apparent bloodstains), after print processing. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/09/2015</b> Recovery Address / Location: <b>CSU Knife (10507733).</b> Impounded By: <b>Southerland, Ally 7/9/15 12:40</b>
 10508154	34	CD / DVD	One "Master" CD containing digital images #1 through #6 of the knife. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/08/2015</b> Recovery Address / Location: <b>CSU Master- knife (10507733).</b> Impounded By: <b>Southerland, Ally 7/9/15 12:51</b>
 10508155	35	CD / DVD	One "Working Copy" CD containing digital images #1 through #6 of the knife. Recovered By: <b>Southerland, Ally 8841</b> Date Recovered: <b>07/08/2015</b> Recovery Address / Location: <b>CSU Working - knife (10507733).</b>

# SAN DIEGO POLICE DEPARTMENT



## Property Report

Incident Number: **15070003825**

Case Number: **15-028431**

Suspect: **NGUYEN, Ton**

DOB: **01/16/1955**

BarCode	Item #	Item Type	Description
Impounded By: Southerland, Ally 7/9/15 12:53			
 10508504	36	CD / DVD	<p>One "MASTER" DVD containing digital images #1 through #24 of the officer (victim) processing</p> <p>Recovered By: <b>Morreira, Heather 8702</b></p> <p>Date Recovered: <b>07/03/2015</b></p> <p>Recovery Address / Location: <b>Crime Scene Unit Studio Officer (victim) processing - SDPD Officer M. Alberts #4835</b></p>
Impounded By: Morreira, Heather 7/10/15 7:13			
 10508505	37	CD / DVD	<p>One "WORKING COPY" DVD containing digital images #1 through #24 of the officer (victim) processing</p> <p>Recovered By: <b>Morreira, Heather 8702</b></p> <p>Date Recovered: <b>07/03/2015</b></p> <p>Recovery Address / Location: <b>Crime Scene Unit Studio Officer (victim) processing - SDPD Officer M. Alberts #4835</b></p>
Impounded By: Morreira, Heather 7/10/15 7:16			

SAN DIEGO POLICE DEPARTMENT  
**HOMICIDE SCENE ROSTER/SUMMARY REPORT**

Location: 14692 VZA FJESTA [REDACTED] Date: 7/3/2015 Time: 0005 Beat: 937

INCIDENT NUMBER: 15070003825

Suspect(s): Tan Ngoc Nguyen 1/16/55 Victim(s): \_\_\_\_\_

Sgt./Lt.: SEUS ID 4231 Scribe: J. WHITE ID#: 6982

SERGEANT'S CHECK LIST

1. \_\_\_\_\_ SCENE CONTAINMENT, PROTECT EVIDENCE. TIME PERIMETER ESTABLISHED \_\_\_\_\_ HRS.
2. \_\_\_\_\_ INSURE SCENE IS LARGE ENOUGH (CONSIDER ESCAPE ROUTE OF SUSPECT).
3. \_\_\_\_\_ NEIGHBORHOOD CHECK.
4. \_\_\_\_\_ IDENTIFY, ISOLATE AND INTERVIEW ALL WITNESSES.
5. \_\_\_\_\_ DOCUMENT WITNESS SEARCH.
6. \_\_\_\_\_ ATTEMPT TO IDENTIFY THE SUSPECT.
7. \_\_\_\_\_ BROADCAST ALL UNITS IF NECESSARY.
8. \_\_\_\_\_ CONDUCT A FOLLOW UP INVESTIGATION WHENEVER POSSIBLE.
9. \_\_\_\_\_ RECORD ALL LICENSE PLATES IN SCENE AREA.
10. \_\_\_\_\_ PREPARE A LIST OF KEY WITNESSES TO DISCUSS DURING HOMICIDE BRIEFING.
11. \_\_\_\_\_ REVIEW AND APPROVE ALL REPORTS FROM PATROL OFFICERS AT SCENE (HEADING ON REPORTS).
12. \_\_\_\_\_ COMPLETE THE HOMICIDE ROSTER REPORT FORM.

UNIT RESPONSE AND ASSIGNMENT

1ST OFFICER/UNITS ON SCENE:

1. <u>M. ROBERTS</u>	ID# <u>4835</u>	2. _____	ID# _____
3. <u>J. RACHA</u>	ID# <u>5508</u>	4. _____	ID# _____

OFFICER'S ENTERING SCENE:

1. <u>J. WHITE</u>	ID# <u>6982</u>	2. <u>B. ORR</u>	ID# <u>7033</u>
3. <u>SGT M. TANSEY</u>	ID# <u>4189</u>	4. <u>B. SANDERS</u>	ID# <u>6611</u>
5. <u>MARTIN</u>	ID# <u>7261</u>	6. _____	ID# _____

OFFICER'S AT SCENE:

NAME	ID#	UNIT #	ARJIS 9	SCENE ASSIGNMENT
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____
11. _____	_____	_____	_____	_____
12. _____	_____	_____	_____	_____
13. _____	_____	_____	_____	_____
14. _____	_____	_____	_____	_____
15. _____	_____	_____	_____	_____

WITNESS CHECK/DETENTION

PARAMEDICS UNIT # 1. 46 2. 3. 46  
HOMICIDE TEAM # 0209 ASSUMED CONTROL OF THE SCENE AT 0209 HOURS.

NAME	DOB	SS #	ADDRESS AND PHONE	OFFICER	ID #
------	-----	------	-------------------	---------	------

1.  
2.  
3.  
4.  
5.  
6.  
7.  
8.  
9.

NARRATIVE

ON 07/03/05, AT 0019 HOURS, OFFICER B. ORR (H7033) AND I ARRIVED AT 14682 UZA STREET. AFTER OFFICER ARRIVED, I WAS TOLD THAT TWO BEEN FLEED.

WHEN I ARRIVED ON SCENE, I ENTERED THE SCENE AND CLEARED THE HOUSE PER THE DIRECTION OF 567 M. TANSLEY (P4189). OTHER THAN [REDACTED] NO ONE ELSE WAS AT THE HOUSE.

567 TANSLEY ADVISED ME THE DUTIES OF SCARCE FOR THIS INCIDENT.

☐ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

PAGE

CASE NUMBER

OF

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

DAY

YEAR

DAY OF WEEK

TIME

LOCATION OF INCIDENT (OR ADDRESS)

CITY

BEAT

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

LAST NAME, ID, UNIT #

A9

ALBERTS 4835 93653

OFFICER INVOLVED

ROCHA 5508 93453

OFFICER INVOLVED

SHIELDS-ROGSTAD 7231 93153

OFFICER INVOLVED

MARIN 7261 931B3

OFFICER INVOLVED

WEEDEN 5563 ~~927A2~~ L4

FIELD LIAISON

EDWARDS 6191 2904N3

K-9

FLORES 7290 7-12163

0

WITNESS CHECK / SCENE SECURITY

DOUGLAS 6167

0

WITNESS CHECK / SCENE SECURITY

TANSEY 4189 11653

SERGEANT

RUBY 7143 93142

X

TRANSPORT / SCENE SECURITY

ORR 7033 7-111K3

0

WITNESS STATEMENTS

WHITE 6982

X

SCRIBE

JANKOWSKI 6304 11553

X

WITNESS STATEMENTS

SELLS 4231 93553

SERGEANT

VOSS 5198 305T3

X

TRANSPORT / SCENE SECURITY

CZAS 5916 605T3 - NEVER 97

KELSO 4702 22845

IA

BERNARD 6957 11253

0

SCRIPPS LA SOLLA \*

SHARKI 5986 900L

PQ LIEUTENANT

NISLETT 4303 1600C

HOMESIDE

VELOVICH 5142 870S

PEER SUPPORT \*

WIBEL 5475 40025

WITNESS \*

NGUYEN 6179 51553

PEER SUPPORT \*

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

MONTH

DAY

YEAR

TIME

DATE OF  
REPORT:

\* - NOT AT SCENE  
 O - A9 TO BE SUBMITTED  
 X - A9 SUBMITTED

SANDERS	6611	12253	SCENE SECURITY	X
ROBCARGE	7072	11453	SCENE SECURITY	X
BOLT	6817	177X	5 Nerve 9-7	
FAIR	6979	177X		
CONTRERAS	6891	177K 3	WITNESS STATEMENTS	X
LARSON	6899		WITNESS STATEMENTS	X
WIESE	5525	2927N	K9	
CAROPPELO	4735	933S2	SEERANT	











































**San Diego Police Department  
Investigator's Report**

**Date of Incident:** July 3, 2015  
**Time of Incident:** 0005 Hours  
**Location of Incident:** 14692 Via Ficsta [REDACTED] San Diego, CA 92104  
**Subject:** Officer Involved Shooting - I.A. #2015-105

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**CONFIDENTIAL:** THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.

**OFFICER INVOLVED:** ALBERTS, Michael, Police Officer II, ID #4835  
Date of Hire: 07/01/1991  
S.D.P.D., Northwestern Division  
(858) 523-7000 (W)  
W/M, DOB: [REDACTED]  
[REDACTED]

**WEAPON USED:** Springfield, Model 1911 TRP, .45 caliber  
Serial # [REDACTED]

**WITNESS OFFICER:** ROCHA, Jason, Police Officer II, ID #5508  
Date of Hire: 07/20/1998  
S.D.P.D., Northwestern Division  
(858) 523-7000 (W)  
H/M, DOB: [REDACTED]  
[REDACTED]

**WITNESS OFFICER:** SHIELDS, Bryan, Police Officer I, ID #7231  
Date of Hire: 05/02/2014  
S.D.P.D., Northwestern Division  
(858) 523-7000 (W)  
W/M, DOB: [REDACTED]  
[REDACTED]

**WITNESS OFFICER:** MARIN, Charles, Police Officer I, ID #7261  
Date of Hire: 05/02/2014  
S.D.P.D., Northwestern Division  
(858) 523-7000 (W)  
W/M, DOB: [REDACTED]  
[REDACTED]

Reporting Officer: Benjamin A. Kelso, Sergeant ID: 4702 Division Internal Affairs

Approved by: LT. MIKE HOLDEN #4997 Date of Report: July 20, 2016

**SUSPECT:** NGUYEN, Ton Ngoc  
[REDACTED]  
A / M, DOB: 01/16/1955  
[REDACTED]

**WEAPON USED:** Steak Knife with 4" blade (approx)

Reporting Officer: Benjamin A. Kelso, Sergeant ID: 4702 Division Internal Affairs  
Approved by: [REDACTED] Date of Report: July 20, 2016

Investigator's Report

Officer Involved Shooting: 2015-105

Page 3

**SUMMARY:**

On July 2, 2015 at 2340 hours, [REDACTED] called the San Diego Police Department to report an unknown male, later identified as; Ton Ngoc Nguyen (DOB 01/16/1955) was throwing cigarettes at passing vehicles while he was sitting in a parked vehicle on Via Fiesta. Officer Michael Alberts #4835 responded to the call and arrived on scene at 2353 hours, followed by Officer Jason Rocha. On the date of the incident, officers at Northeastern Division had not been issued body worn cameras. As a result, there is no body worn camera footage. Upon arriving on scene, [REDACTED] directed Officer Alberts to Nguyen's vehicle. Alberts ran a vehicle license plate check on the vehicle and learned the vehicle was registered to Nguyen at [REDACTED]. During a previous radio call at Nguyen's residence, Nguyen attempted to disarm Officer Alberts during his arrest.

On July 3, 2015 at 0005 hours, Alberts and Rocha knocked on the door of at 14692 Via Fiesta, [REDACTED]. An [REDACTED] female, later identified as [REDACTED] spoke from behind the closed door, telling the officers she would open the door. Without warning, Nguyen emerged from behind the door, holding a steak knife with a three to four inch blade. Alberts immediately backed away from the door. Nguyen began advancing towards Alberts with the knife extended outward and in a threatening manner. Officer Alberts immediately drew his service weapon, pointed it at Nguyen, and ordered him to drop the knife. Nguyen did not comply and continued to rapidly advance on Officer Alberts. Alberts, fearing Nguyen was going to stab him, discharged his service weapon in defense, firing one round of his 45.cal handgun. The bullet struck Nguyen in the center of his chest. Medic Unit #410 transported Nguyen to the emergency room at Sharp Hospital in La Jolla, where Dr. Schwendig pronounced Nguyen dead at approximately 0044 hours.

Reporting Officer: Benjamin A. Kelso, Sergeant ID: 4702 Division Internal Affairs  
Approved by: [REDACTED] Date of Report: July 20, 2016

**INVESTIGATION:**

On July 6, 2015, Lieutenant Marshall White ID #4100 assigned me to investigate Officer Involved Shooting case 2015-105. On the same date, I obtained and reviewed the following documents or evidence related to this incident:

- Human Resources Employee Data sheets for Officer(s) Alberts and Rocha.
- Printout for CAD Incident History number #15070003825.

On July 7, 2015, I obtained and reviewed the following documents or evidence related to this incident and placed them in the case file:

- Printout of MCT messages from Alberts (936J3) dated September 9, 2009.
- Incident History #09090013762 dated September 9, 2009.
- Google Maps location map 14692 Via Fiesta
- Google Maps street view 14692 Via Fiesta
- CD-R disk from SDPD communications containing radio transmissions of this incident (15-070003825)

On October 29, 2015, I obtained and reviewed the Homicide Book from Homicide Det. T. Norris, ID #3979.

On November 12, 2015, I received and reviewed the Shooting Incident Report prepared by Sergeant Saflar, #5193.

On November 12, 2015, I obtained and reviewed the following documents or evidence related to this incident and placed them in the case file:

- Human Resources Employee Data sheets for Officer Shields ID #7231
- Unit Histories for Officer(s) Alberts (936J3), Rocha (934J3), and Shields (931J3).
- Firearms Proficiency Report for Officer Alberts. Officer Alberts qualified with the weapon used in the shooting on June 3, 2015.
- Electronic Officers Daily Journals for Officer Alberts and Rocha.
- CDL Printout Nguyen, Ton Ngoc [REDACTED]
- Copy of Email Communication between Homicide Det. T. Norris, ID #3979 to US Border Patrol Agent E. VEGA-FLORES regarding Nguyen, Ton Ngoc's immigration status.
- Copy of Departmental Criminal History Report completed by Homicide Det. T. Norris, ID #3979 on subject Nguyen, Ton Ngoc.
- Copy of CLETS Criminal History Report completed by Homicide Det. T. Norris, ID #3979 on subject Nguyen, Ton Ngoc.

Reporting Officer: Benjamin A. Kelso, Sergeant ID: 4702 Division Internal Affairs  
Approved by: [REDACTED] Date of Report: July 20, 2016


- Copy of 5150 Detention Report on subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Alberts ID #4835 on September 6, 2009.
- Copy of Additional Victim/Witness Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer TRUSS ID #4607 on September 6, 2009.
- Copy of Officers Report Narrative (ARJIS 9) Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer TRUSS ID #4607 on September 6, 2009.
- Copy of Officers Report Narrative (ARJIS 9) Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Ruiz ID #6608 on September 6, 2009.
- Copy of related Force Effectiveness Form on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Drahosova ID #6480 on September 6, 2009.
- Copy of related Force Effectiveness Form on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Alberts on September 6, 2009.
- Copy of related Force Effectiveness Form on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Ruiz ID #6608 on September 6, 2009.
- Copy of Certificate of Release Form on subject Nguyen, Ton Ngoc dated September 8, 2009, Kimberly Glenn, Records Division Commanding Officer.

Officer Alberts carried a Springfield, Model 1911 TRP, .45 caliber, semi-automatic handgun, with one round in the chamber, and [REDACTED] rounds in the magazine. Officer Alberts carried an additional [REDACTED] magazines on his duty belt, four containing [REDACTED] rounds, and two containing [REDACTED] rounds. Officer Alberts fired one round at Nguyen.

The computerized report showed Officer Alberts' weapon was authorized for use as of February 17, 2015.

The qualification record indicated Officer Alberts attended and successfully completed all scheduled Department Firearms Qualifications. Officer Alberts' last firearms qualification prior to the shooting incident was on June 9, 2015. His approved duty weapon was a Springfield 1911 TRP, .45 caliber Semi-Auto, Serial [REDACTED]. This is the Department approved personal weapon that was used during the shooting.

Criminalist Lisa Wilson conducted an examination of the Springfield firearm carried by Officer Alberts after this incident. Wilson found the pistol had one cartridge in the chamber and a seated magazine. The seated magazine contained [REDACTED] cartridges. Officer Alberts carried an additional [REDACTED] spare magazines. Each of the spare magazines were [REDACTED]. Officer Alberts carried a combined total of [REDACTED] cartridges dispersed within the spare magazines with maximum practical capacity of either [REDACTED] rounds each or [REDACTED] rounds each. The cartridges

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carried in the pistol and additional magazines were Department issued Federal Premium .45 caliber, subsonic, 147 grain, HST HP, jacketed, controlled expansion ammunition.

The evidence indicated that if the pistol was "hot loaded," then one cartridge had been fired from the pistol, which was consistent with Officer Alberts' statements and additional evidence recovered from the scene. No expended cartridges were found at the scene. The pistol was test fired and appeared to operate normally.

Homicide investigators did not locate the expended .45 caliber shell casing at the scene. The San Diego County Medical Examiner's Office recovered the expended bullet fired. Additional evidence and property associated with the shooting was recovered and impounded.

This Officer Involved Shooting occurred on July 3, 2015. The SDPD Homicide Unit conducted a criminal investigation of the shooting then forwarded the investigation to the District Attorney's Office for their criminal investigation and review. On April 7, 2016, the District Attorney sent a letter clearing Officer Alberts of any criminal wrong doing. Under Government Code 3304 (d)(2)(A) this case was tolled from July 3, 2015 to April 7, 2016 due to the above listed criminal investigation by SDPD Homicide and the District Attorney's Office.

On July 20, 2016, I received a copy of the District Attorney's letter dated April 7, 2016. The conclusion to District Attorney Dumanis' letter states:

"On the evening of July 2, 2015 at approximately 11:40 p.m. a woman and her husband called the police to report an assault. The suspect, later identified as Mr. Nguyen, approached the couple and kicked the husband. The couple feared Nguyen was mentally unstable. Officer Alberts responded and remembered Nguyen as the suspect in a previous violent confrontation with the police. Alberts went to Nguyen's residence to investigate the latest complaint. Nguyen opened the front door with a knife in his hand. Alberts instructed Nguyen to drop the knife, but Nguyen ignored Alberts' instructions and rushed towards Alberts with the knife raised. Alberts shot Nguyen once in the chest. Nguyen was transported to hospital where he was pronounced dead."

"Based on these circumstances, it is apparent that Officer Alberts fired in self-defense and therefore bears no criminal liability for his actions."


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After receiving the District Attorney's letter, I completed this investigation.

On July 20, 2016, I obtained and reviewed the following documents or evidence related to this incident and placed them in the case file:

- Human Resources Employee Data sheets for Officer(s) Marin and Shields.

All interviews were audio recorded, unless otherwise noted, and the recordings will be maintained with the Internal Affairs file. The statements are "in essence" synopses of the interviews. (For exact and complete details of the interviews, refer to the audio recordings.)

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**WITNESS STATEMENT: Officer Jason ROCHA**

Only July 3, 2015, Officer Rocha gave the following statement to Detective David Spitzer, ID #4665:

Officer Rocha said he is currently assigned as a patrol officer assigned to Northwestern Division. Tonight he was working as a backfill overtime position due to low staffing issues. He was working a one officer patrol car identified as 934J3. His current supervisor was Blaine Ferguson.

Officer Rocha said he and Officer Mike Alberts received a radio call of a disturbance involving an Asian male. The details of the call stated the Asian male had kicked the reporting party and thrown lit objects at passing vehicles.

Officer Rocha said while driving to the call he received a computer message from Officer Mike Alberts which said he recalled a few years ago dealing with possibly the same Asian male subject. During that incident the Asian male had gotten into a physical fight with police and tried to grab Officer Alberts' gun.

When they arrived at the scene they did not see the Asian male subject. The officers were flagged down by the reporting party [RP]. The RP led them back to the main street and pointed out the Asian male subject's vehicle, a brown Honda Civic. Officer Rocha conducted a registration check of the license plate and Officer Alberts stated he thought the registered owner's name was the same as the male he encountered there several years ago. Officer Alberts said he was pretty sure the male lived in Apartment [REDACTED]

Officer Alberts asked their dispatcher to see if any Canine Police Units were available to assist but was told none were close or available. Several more patrol units arrived at the scene and went to apartment [REDACTED] to check on the male.

Initially, they knocked but got no answers. The lights were off inside. The officers spread out to take up a perimeter around the house. Officer Alberts stayed in the front by the door. Officer Rocha went to the side of the house, he believes on the North side. Officer Rocha could see through into the house through a window. Officer Rocha could hear a female inside talking. Officer Rocha spoke loudly that he was with the police and they wanted to speak to the male. He said he tried to quickly explain the situation to the female. Officer Rocha told the female to go to the front door.

Officer Rocha could see the female headed towards the front door area. Officer Rocha shouted over to Officer Alberts that a female was headed towards the front door. Officer Rocha stayed by the window to keep observations on the interior of the home.

Officer Rocha was positioned so he could keep partial view on the front of the house where Officer Alberts was located. Officer Rocha estimates he was approximately 20 feet from Officer Alberts. Officer Rocha heard the front door opened and almost immediately Officer

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Alberts began to shout, "Drop the knife, Drop the knife". Officer Rocha is positive he heard drop the knife at least twice. Officer Rocha turned his attention towards Officer Alberts and could see him backing away from the front door. Officer Rocha heard Officer Alberts shout something like, "Don't move," or "Stay there." Officer Rocha saw Officer Alberts fire one shot. Officer Rocha estimated the timeframe from the time he heard the front door open until he heard Officer Alberts fire his handgun was less than five seconds.

Officer Rocha rushed over to assist and could now see an older Asian male with glasses slumped over near the front door. Officer Alberts told Officer Rocha to "check for the knife". Officer Rocha said the house needed to be checked and cleared. Officer Alberts agreed. Officer Rocha and another officer, Officer Marin, entered the house while Officer Alberts and Officer Shields remained outside. Officer Rocha immediately encountered an Asian female running towards the front door. Officer Rocha heard the female yelling, "He's crazy, he needs help." Officer Rocha stayed with the female while Officer Marin cleared the house.

Officer Rocha returned back outside to assist Officer Alberts with the Asian male. Officer Alberts stood by while Officer Rocha and Officer Shields found a black handled steak knife by the Asian male.

The officers started giving first aid to the Asian male until medics arrived. Officer Rocha said one of the officers checked and the male had a pulse. They applied pressure to the wound. Once enough officers arrived at the scene to control the situation Officer Rocha drove to the Northwestern substation to standby to be interviewed. Officer Rocha said as far as he could remember he has never dealt with the Asian male subject in the past. He did not recall ever having been to this address before.

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**WITNESS STATEMENT: Officer Charles MARIN**

On July 3, 2015, Officer Marin gave the following statement to Detective Bill Kellner, ID #5776:

BK: Bill Kellner, Detective – Homicide Team I  
CM: Charles Marin, Officer – Northwestern Division – 2<sup>nd</sup> Watch

BK: *In your own words, how were you involved with the scene? Just start from the beginning.*

CM: Well, we got the radio call of an Asian male, possibly sixty, or seventy. He kicked or threw something at another male. I was behind Mike Alberts. We came around to the residence because Mike had already spoken to the RP (Reporting Party). He (RP) said he could tell us where the car was that the Asian male was sitting in. We went out to the street and went to the car. The RP said, "That's the car of the guy." Mike had dispatch run the plate and it came back, um...we started talking about Mike Albert's history in the past with a male in this area with mental issues. He (Alberts) just wanted us to be alert of that. The plate came back and Mike said that was his guy, so we went to set up a perimeter.

We went to his apartment (Ton Ngoc Nguyen). Before we made contact, I went just south of the address down a little walkway to the back corner. I checked the garage to make sure it wasn't open. I checked the window and didn't see anyone inside the house. That's when Mike knocked on the door and made the announcement "San Diego PD. We just want to check the welfare and make sure everything is all right. At that time, nobody came to the door when he first knocked. I just kept the southwest perimeter corner to make sure no one decided to run out the back or through the window. Mike announced the gentleman's name, but I can't remember the name he said. He (Mike) said, "Hey, we just want to make sure everyone's all right."

At that time, I could hear the unlocking of the door. As soon as the door opened, all I could hear is Mike scream "drop the knife, drop the knife." He (Mike) said it at least two times, possibly three. After the last time he said, "drop the knife" I heard a gunshot so I ran up to where they were and saw the male was laying on the ground. I asked, "where's the knife?" They said he still had the knife underneath his stomach so we just held there until the wife came out the door. I went inside the house and had the wife sit on the couch. I did a quick search to make sure no one else is inside the house and I stayed with the wife.

BK: *How far from your position on the corner, were you from the front door?*

CM: Anywhere from ten to fifteen feet. I could still see them because they had backed away from the door when he knocked. I could see Shields (Officer Bryan Shields #7231). I couldn't see Rocha (Officer Jason Rocha #5508) and I could just barely see Mike (Officer Mike Alberts #4835).

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- BK: *So it was just those three officers in front and you were standing on the corner?*
- CM: Yes. I was on the one corner. It was an apartment complex so he couldn't go...there is only two ways out, that way (front door) and my way.
- BK: *In your estimation, how much time between when you heard him (Alberts) say, "drop the knife and the shot?"*
- CM: It felt like a long time. I would say it had to be close to ten seconds. From when he said it from when I heard the pop. I realized that was a gunshot and knew I had to get up there and figure out what was going on.
- BK: *Did anyone come out of any of the houses that you know of?*
- CM: Nobody came out. We all tried to put it out over the air at the same time. That's when the three of us and Mike helped out with the guy who still had the knife underneath him. I knew we had to check inside. We were going to send two inside, but that's when the wife came out. That's when I went inside. I said, "Watch her. I'm just going to check the house real quick.
- BK: *Was anybody else inside the house?*
- CM: No. Just the wife.
- BK: *What was her demeanor like?*
- CM: At first she was just shocked. She wasn't quite sure what happened. It wasn't really affecting her. She just kept saying, "My husband has mental issues, he has mental issues." There was a little bit of a language issue. She spoke decent English, but I think she was still in shock. We didn't want to let her come out and see what happened. She wasn't sure what had transpired outside.
- BK: *Did she make any other statements? That's obviously important that she said her husband had mental issues.*
- CM: She kept saying "He's not right in the head. He has problems inside his head. I don't know why he leaves the house. I tell him to stay inside the house because he does have these mental issues. He takes all sorts of medication and has a long list of medical issues.
- BK: *How did the house look?*
- CM: The house looked pretty neat. It didn't look like anyone was throwing stuff around.
- BK: *Did she say anything about what had happened tonight before you guys got there?*

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CM: She said the last she knew, he was in the living room and she went to sleep. She didn't know why we were there. She just kept asking why we were here and telling me he had mental issues.

BK: *What did you do next? Did you do anything after dealing with his wife?*

CM: I just asked her about what medication her took and she didn't know. I just took a brief statement from her. I just sat there with her because she was finally starting to break down.

BK: *Did she say if there was anyone else who lived in the house that wasn't there during this incident? Anyone else we should talk to like kids?*

CM: They have one kid, but I don't know the daughters name. They do have a daughter that lives in San Diego. She doesn't live at the residence, but there was only one room we couldn't clear because it was locked. I guess they still keep the daughter's room.

BK: *Is there anything else you think is note worthy?*

CM: You could hear from my position how loud the announcement was of Mike saying, "Drop the knife."

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**WITNESS STATEMENT: Officer Bryan SHIELDS**

Only July 3, 2015, Officer Shields gave the following statement to Detective David Spitzer, ID #4665:

Officer Shields said he is currently assigned as a patrol officer assigned to Northwestern Division. Tonight he was working as a backfill overtime position due to low staffing issues. He was working a one-officer patrol car identified as 931J3. His current supervisor is Richard Fortuna. Officer Shields said that tonight he was assisting on a radio call of a "415" involving a male who kicked the reporting party. Officer Alberts sent out a message with supplemental information about the possible subject of the radio call. Officer Alberts wrote that he had gotten into a ground fight with an Asian male suspect at this same address at some point in the past.

The officers arrived at the scene and they checked the area but they did not see the Asian male. Officer Shields said one of the officers, he's not sure which one ran the license plate of the Asian male's vehicle and found out where it was registered. They made the decision they were going to attempt to contact the male at that address. Officer Shields said he heard Officer Alberts request a Canine Police Unit but was told they were from a distance. There were four officers at the call and they set up a perimeter around the house they believed the male lived. Officer Shields said he was on one side of the home. Officer Alberts was near the front door. Officer Shields said Officer Rocha was on the east side of the house. Officer Alberts knocked but got no answer. Officer Shields could hear Officer Rocha talking to an Asian female somewhere inside of the home. He could hear Officer Rocha telling the female to go to the front door.

Officer Shields said he was off to the side from Officer Alberts. Officer Shields estimated he was ten feet from Officer Alberts at this time. Officer Shields could hear the front door of the target house open and Officer Alberts yell, "Drop the knife, and drop the knife." Officer Shields said from his position he could not see the front door or the male as he came out. Officer Shields could see Officer Alberts' backside. Officer Shields heard Officer Alberts fire his handgun one time. Officer Shields rushed over to assist and as he came around the front wall, he could now see an Asian male slumped on the ground. Officer Shields said he assisted with first aid at the scene. Once medics arrived Officer Shields said, he rode in the ambulance with the Asian male to the hospital. Officer Shields said while he was at the hospital he was advised by the staff that the Asian male had died. Another officer arrived at the hospital to standby for detectives. Officer Shields was directed to go to Northwestern Division to standby to be interviewed. Officer Shields said he is currently assigned to Northwestern Division but he has never encountered this Asian male subject before tonight.

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**Subject Officer Interview: Officer Michael ALBERTS**

On July 3, 2015, at approximately 0410 hours, Homicide Team I Sergeants Bruce Pendleton, John Saflar, and Lieutenant Paul Rorrison interviewed Officer Michael Alberts. Attorney Brad Fields from the Law Offices of Bobbitt, Pinckard, and Fields was also present to represent Officer Alberts during the interview. Officer Alberts gave the following statement:

PR: Paul Rorrison, Lieutenant – Homicide Unit  
BP: Bruce Pendleton, Sergeant – Homicide Team I  
JS: John Saflar, Sergeant – Homicide Team I  
MA: Mike Alberts, Officer – Northwestern Division – 2<sup>nd</sup> Watch  
BF: Bradley Fields, POA Attorney

BP: Today's date is July 3, 2015. The time is 0410 hours. This is Detective Bruce Pendleton interviewing Officer Mike Alberts and present during this interview are:

JS: John Saflar, ID #5193.  
PR: Lieutenant Paul Rorrison, #4305  
BF: POA Attorney Brad Fields.

BP: Okay. And Mike, I'm just going to go down this checklist  
MA: Yes sir.

BP: And ask you some questions here, okay? Okay, Michael what's your middle name?  
MA: Robert.

BP: And how old are you?  
MA: [REDACTED]

BP: And your birth date?  
MA: [REDACTED]

BP: [REDACTED]  
MA: [REDACTED]

BP: [REDACTED]  
MA: [REDACTED]

BP: [REDACTED]  
MA: [REDACTED]

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BP:

MA:

BP: And what's your ID? 4835?

MA: 4-8, yes sir.

BP: And what's your badge number?

MA: 2-5-2-4.

BP: And do you remember your date of hire?

MA: Yes sir. Anniversary was just the other day. 07-01 of 1991.

BP: And you're currently assigned to?

MA: Northwestern Division and SWAT.

BP: And who's your supervisor?

MA: Blaine Ferguson.

BP: And how long have you worked at Northwestern?

MA: I believe since 2009.

BP: And what's your unit number tonight?

MA: 936J3.

BP: And what equipment number were you driving tonight?

MA: PRT Car, 7-1-6-3.

BP: And what are your work hours?

MA: Uh 2100 to 0700.

BP: And your days off?

MA: Sunday, Monday, Tuesday.

BP: And how many hours of sleep did you get the night before your shift?

MA: Uh, let's see. I went to bed about 9:30 and I woke up about 4:30. So what is that? 7:00 or...

BP: Seven?

MA: Yeah, yes sir.

BP: Are you right or left-handed?

MA: I am right-hand...I'm both. I write with my left. I'm a right-handed shooter.

BP: A right-handed shooter?

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MA: Yes sir.

BP: And your eyesight?

MA: Last time I checked, 20/20. I don't wear any contacts or glasses. No sir.

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: Have you consumed any alcoholic beverages in the last 24 hours?

MA: No sir.

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: What's your primary weapon?

MA: It is a Springfield Armory, TRP Operator, .45 cal.

BP: And the serial number on it?

MA: Uh, I would, I would have to look. I'm sorry.

BP: Okay. You don't have it with you right now?

MA: Yeah, it's on me.

BP: Go ahead.

MA: It is going to be [REDACTED]

BP: Okay. And Springfield is the make? TRP is the model?

MA: Uh yes.

BP: Okay.

MA: TRP.

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

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BP: [REDACTED]  
MA: [REDACTED]  
[REDACTED]

BP: [REDACTED]  
MA: [REDACTED]

BP: [REDACTED]  
MA: [REDACTED]

BP: And your primary weapon is it carried with a round in the chamber?  
MA: Yes sir.

BP: [REDACTED]  
MA: [REDACTED]  
[REDACTED]

BP: How many rounds in your primary?  
MA: [REDACTED]

BP: In your primary?  
MA: In the primary, correct. [REDACTED]  
BP: [REDACTED]  
MA: [REDACTED]  
[REDACTED]

BP: Have you altered your weapon in any way?  
MA: No sir.

BP: Okay.  
MA: Other than the addition of the light which we're authorized.

BP: Okay. So Mike in your own words, just tell us what happened tonight.  
MA: Okay sir. It was probably the third call of the night. It wasn't really a busy night. Northern was going off like usual with calls. Northern had just had a 245/ 215 stabbing they were working on their freq. Dispatch got on the air and aired that they had a 415 violent coming in on Via Fiesta. That's a distinct street because it has the Mosque behind it, so we've been doing "D" runs (security checks) out there over the last couple of days. I read the comments on the call. It said the RP's husband had been kicked by an Asian male in his 60's, and that he was throwing

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things out of a car at other vehicles. Literally last week I pulled the PAC file from Via Fiesta involving a Vietnamese male, Mr. Nguyen, we had an incident on Via Fiesta six years ago where a male was screaming about killing somebody and I think they heard a woman screaming for help from an address on Via Fiesta. So I recognized the street. I didn't know it if was him or not. I kind of felt guilty because I literally just had dispatch pull that PAC file last week because it'd been five, six years since we haven't had any incidents with Mr. Nguyen. So I sent it to P9 because the primary was busy with Northern's stabbing, and I said, 'FYI we're at uh....' and I don't know verbatim. I just basically said there was an Asian male that we had an incident with where he tried to grab my gun on a call out there. I said, 'I'm not sure if this is the guy, but if it is, just for officer's safety it ended up in a ground fight and we had to take him to take him into custody. So I sent those to P9. I didn't attach them to the incident, I sent them to P9. The distance to this location is anywhere from twelve to fifteen minutes, from Beat 934 to 937, so I knew I was coming from a pretty good distance. Uh, as I'm driving, there's no real updates because Northern's air is tied up. Dispatch saw the 3<sup>rd</sup> update so she advises units, 'You need to check your MCTs for messages, 936J, in regards to this possible subject'. So I get 97 first. It was probably a little bit before midnight. I utilized the fog lights on my vehicle. They're super bright as compared to the old vehicles back in the day. Floods the whole street. It said the subject was in a, I think a gray or brown, Honda. So I checked every Honda on Via Fiesta. I went up once. I went down again. Saw no one on the street. So then I decided to drive into the apartment complex. By that time there's three or four additional units there. Officer Rocha, Officer Milton (Marin) I think the new guy and is, and Officer Shields. As we're driving through the complex, a woman and a man pull up in a white, small SUV. He gets out and he says, 'Officers! Officers! I'm the one that called. I'm the one that called'. And I said, 'Okay, well we didn't see him out on the street'.

He goes, 'I'll show you what car he was in.' And I think I told him, I said, 'Well that's good'. I said, 'We had an incident with a male before on this particular street and he tried to grab an officer's gun so we just want to make sure it's not the same individual.'

He goes, 'Oh, okay. I'll show you'. So he drives out, points to the car. I think I ran it or Officer Rocha ran it. One of us ran it. As soon as the name came back, I recognized that it was Mr. Nguyen and the address, we were literally, I'm gonna guess fifty to hundred feet from the actual address. So the car was right there.

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We look, listen and feel. We don't hear anything. The apartment to the south of Mr. Nguyen's address, the lights were on so I thought maybe that was it. I think that was Apartment [REDACTED]. So then we confirmed the address and it was apartment [REDACTED]. No lights on. All the windows were open but no lights were on. Look, listen and feel, I sent the new officer to the back. I go and make sure there's nobody hanging out in the garage or the alley way. Officer Shields was off to my left and I don't know how far because I stayed focused on the front door. But I stayed off of the front door (6-7 ft) because of the incident I had the last time. The fight for my gun was literally in the doorway. So I stayed off the door. I didn't know if this individual was back. I didn't know if it was the same guy. The name and everything all tied in. Officer Rocha was off to my right side and so I knew I had a good perimeter position. We had already asked for a dog, if there was dog close go ahead and start them that way. Officer Rocha all of a sudden, he said something. He's communicating with a woman and I could hear the Asian accent. And he said, 'Ma'am, this is San Diego Police we need you to come to the door'. And so I heard that distinctly and that was after we had rung the doorbell and nobody came to the door. So I stayed right where I was. I had, it's an 'O' light. It's called an M-22 I believe. It's a 950 lumen flashlight. It's brighter than our spotlights on our cars. So he informs me that the female is coming to the door. So I illuminate the door. The door opens so I let my guard down. I believe it's going to be the wife so we can talk to her, say, 'Hey is your husband home, where is he, is he still out and about in the complex'. So literally the door opens up and as soon as he comes out, I recognize it's Mr. Nguyen. I had him lit up. The first thing my light reflects off the silver blade of the knife. It looked to be probably a five or six inch knife. He had it in his right hand. I yelled out, 'Drop the knife!' Clear as day I heard it. And then in my mind, I go, 'He's gonna drop it'. And I think I got caught completely off guard because he didn't drop it. As soon as I said that, he starts raising like he's coming towards me to stab me, and then he just increased his speed. So I took a step back and literally prepared myself to get stabbed.

Officer Alberts' voice began to crack and he became teary eyed.

PR: You can take a break if you want.

MA: Because I thought I screwed up and was too close. So I tensed up and I drew and as I drew, I think I fired with one hand and dropped this light, to go to two handed shooting. And he was probably three feet from me when I shot him. And then he immediately spun to his right side and kind of went up in the air. Kind of like an up and over movement, and then fell onto his right side. (Voice cracking and teary eyed) And then I

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could see him bleeding out and the knife was still down by his right hand. I tried to get on the air and say 'Shots fired' and Northern had the air tied up again. So I focused on him.

This time I activated the light on my primary. Officer Shields had come over from my left. Officer Rocha came over from my right. I could see he was moving, but it was minimal. I mean he was turning the ash color.

I've seen that a lot in Iraq. And I told the new guy (Marin) he needed to go up and check for a pulse, but before he did that we needed to move him away from the knife. So he gloved up, Jason Rocha gloved up. I was still trying to gather myself because it just happened so fast. Officer Shields said, 'Yeah, I can feel a faint pulse'. So I ran back. I might have walked fast, ran, I don't remember. I always carry a huge CLS bag. It's a combat life-saving bag with enough to triage ten people. That's one of the things I learned from Iraq; always have plenty. So I grab that. I went back and gloved up, took out some gauze. I think they call them 4 x 4's. I took out a stack of them, pulled his shirt down. I could see a single gunshot to his sternum. I put direct pressure on it. Kind of didn't feel right just because I was still trying to tune myself back into the whole thing that happened. So I asked Officer Shields, 'Can you maintain direct pressure on him?' One of us had already called for medics. The only other thing that happened prior to that was his wife had said, 'What happened? What happened to my husband? He's sick! He's sick!' And then one of the officers that was in the back, I think it was Milton (Marin) asked her to step back into the house. I think she looked out momentarily, turned on the porch light and then she went back into the house. And then once I knew the medics were 97 I went back with Officer Rocha and we just set up crime scene tape. I was giving updates on his pulse and what we were doing for triage. And just advising, you need to start the Sergeant and stuff like that. Other than that, I just stayed away. Once the medics were there and they were doing their thing, I just stayed away from it. The only thing I did do on my way out, cause the medics were going to kick it, my flashlight that I had dropped to my left side, I picked that up and secured that. That's the only thing. And then my, I think my latex gloves are still at the scene. I pulled them off and put them off to what would be the cast. I think that's the only other thing I left there. And I picked up my CLS bag. It's a big, tan backpack for medical gear, so I picked that up and took that back to the car and then just stayed out of the scene until other supervisors and stuff showed up. I gave Sergeant Sayles a safety brief and then that was it. And then Traffic Officer Voss drove me back to the station in my car just because there's so many weapon systems and other things in my SWAT

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Approved by: [REDACTED] Date of Report: July 20, 2016

vehicle that we got. It wasn't inside the crime scene tape. It was outside the crime scene. There were four utility vehicles in the street. That's our whole division and mine was the one furthest away from the address itself so, so literally in front of his house. I don't think we were parked directly in front, but there were four marked units right in front of, basically almost right in front of his address. I think I got on the air and asked somebody to secure the original RP or try to and get a hold of the original RP because he told me he'd be available if we needed him for follow-up calls. And then I went back to the station and that was it.

BP: Mike, why did you shoot?

MA: Like I said, I took a step back trying to gain distance and he just, he gained so much ground on me so fast. I thought I waited too late. And I knew if I didn't fire, I was going to get stabbed probably right below the vest. That's why I prepared myself to take the hit. I knew if I didn't fire at that moment, I was gonna get stabbed. And then I know how hard he fought the last time and it took a long time.

I mean, he's an older gentleman but he's in probably the best shape I've ever seen for somebody that age. I mean literally when he came out of the door, he had just tone locked, he had that blank robotic stare on him, and just beelined it straight for me.

BP: Okay. Lt. Rorrison, anything?

PR: I just got one, just so we can put it on record here. You said he came out the door and was holding the knife in his right hand and you motioned that he was holding it straight out in front of you.

MA: When, he had it down towards his right side, and then as soon as I told him to drop it, he increased his pace towards me. And it was like he was starting to come towards me with it when I drew and fired.

PR: He was lunging at you?

MA: Yeah, like I said, he first walks out kind of slow and not methodical and then as soon as I gave him the command to drop it, it was almost, it wasn't running but it was a decisive move straight towards me.

PR: Okay.

MA: And I would say he was probably within three feet when I actually fired. And like I said, 'It happened so fast, I'm pretty sure I fired with one hand, dropped the light and then tried to come up for a two hand in case it wasn't over. The one round went off and that was it. He went down.

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Investigator's Report

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PR: Okay. And I just got one question. You said you dropped the light and you secured it?

MA: Yes sir.

PR: Is it still at the scene or?

MA: No, no. I secured it.

PR: Okay.

MA: Because it was dropped off to my left side and it was literally in the middle of the sidewalk and then medics came and there's not a lot of room to get down that side though, so I picked it up and secured it and then put it in my vehicle. There's a holster for it right next to the mike in my car.

PR: Okay. We'll just have to get that.

MA: Okay.

PR: Will you go back to that station and get that.

MA: Okay, yeah. It's in 7163, so.

PR: That's all I got.

BP: Okay.

JS: When you said he came out of the door, he was almost walking slow until he saw you, and then he started moving towards you and raising his hand as if he was going to stab you?

MA: It's like he came from the waist, and just made a beeline straight towards me.

JS: And then you said he got within about three feet away.

MA: Of me.

JS: Was that the blade or was that his body?

MA: I felt like it was his body

JS: And then you ultimately stabbed him because you felt like you were going to get stabbed?

MA: Absolutely! Like I said I tried to step back thinking I could gain ground and then when I realized there is just nowhere to go he's already on top of me is what it felt like, that's when I drew and fired. I'm still trying to figure out how I had time to get out and draw. It was just that fast.

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BF: Just building on that, your training, what is the distance...is there a magic distance that you're aware of or at least in your training that somebody with a knife can be on top of you before you might be able to...

MA: Back in the day the rule used to be 21 foot rule and I know everybody in here has heard of that. When I went through the Firearms Instructor School in Sacramento back in 1996. We did a drill where they had shooters on the line and they had the other students behind them and as soon as they said 'draw', they had the officers run and the average distance was 29 to 36 feet. So, it was way beyond the 21 foot rule. But that's kind of the magic number that they, that they give you. So I knew when he was, I'm going to guess that I was eight feet from that door, maybe six feet from the door when it started. And when he covered that distance so fast, I knew I was way behind power curve.

BF: And then the other issue, so you mentioned that you had, and I just want to make sure we have this on the record, you had had contact with this, with the suspect how many years ago?

MA: I want to say roughly six years ago.

BF: And was it at the same residence?

MA: The same exact residence.

BF: Okay and um when did you realize that this was either likely or the same, or the same suspect that you dealt with six years ago.

MA: Well...and again that's why I pulled the PAC file because I even told the dispatcher, 'We haven't had any calls. Either he moved or I don't know what'. So I go, 'I know you guys don't like stacking up the PAC file thing, so you're good to remove this one.'

BF: And when did you remove that?

MA: Literally last week.

BF: And why did it come up last week?

MA: Um, we were doing...I think we got...we either got a call to Via Fiesta. In fact I think that's what it was, or we were doing D Runs at the mosque and whenever you're in the same hundred block, the PAC file popped up. And that's when I ran him. I'm like this guy's probably not even there anymore and it was Officer (inaudible) was there and Officer RUIZ was there for that incident.

BF: So six years you had this incident but a week ago just sort of by coincidence...

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MA: The PAC file popped up.

BF: The PAC file pops up. You ask them to remove it. But that's in your head as this is...

MA: Driving there. As soon as I read the description and that age, I'm like...and the behavior. When the reporting party used the term aggressive behavior and all that, I'm thinking I don't know who else we had, literally no calls of anything like that nature. It's just...and that's the first thing that popped in my head.

BF: And when the suspect came out of the door, did you remember him?

MA: Immediately. Yeah. Same look on his face as last time so....

BF: That's all I have.

BP: Anything else? Okay. We'll conclude this interview. The time is 0430 hours.

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**CONCLUSION:**

The action of Officer Alberts was **WITHIN POLICY** per Department Procedure 1.05 (Firearms Procedure), dated March 22, 2013, Section IV, which states, in part:

IV. Procedure for the Use and Safe Handling of Firearms by Officers

A. Officers shall not discharge any firearm in the performance of their duties except as authorized by this Department procedure.

B. No officer shall discharge a firearm in the performance of duty except:

1. During authorized training at a target range;
2. When the officer has a reasonable belief that a subject (or animal) poses an imminent threat of death or serious bodily injury to the officer or another person;
3. When necessary to apprehend a fleeing suspect if there is probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of death or serious bodily injury, and the officer reasonably believes the suspect is armed with a deadly weapon and the suspect's escape would pose an imminent threat to the officer or others; and,
4. As permitted by Department Procedure 6.09, Handling of Injured Animals.

On July 3, 2015 at 0005 hours, Officer Alberts and Rocha knocked on the decedent's door at 14692 Via Fiesta, [REDACTED] with the intention of investigate circumstances of a radio call disturbance reported by [REDACTED]. An [REDACTED] female, later identified as [REDACTED] spoke from behind the closed door, telling the officers she would open the door, however, it was the decedent who emerged from the door without warning and while holding a steak knife.

Alberts immediately backed away from the door as Nguyen while holding the knife in a threatening manner, began advancing towards Alberts with the knife extended. Officer Alberts ordered Nguyen to drop the knife, and Nguyen did not comply while continuing to rapidly advance on Officer Alberts. Alberts, in self-defense, and fearing Nguyen was going to stab him, drew his service weapon, pointed it at Nguyen, and fired one round of his 45.cal handgun at Nguyen. The bullet Alberts fired struck Nguyen in his chest, thus ending the threat. Nguyen succumbed to his injuries at Sharp Hospital, where Dr. Schwendig pronounced Nguyen dead at approximately 0044 hours.

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Officer Alberts' statement is supported by Officer Shields and Officer Rocha's statements. Officer Shields was assigned to the call and stood at the edge of the front of the house on Officer Alberts' far left. Officer Rocha stood on Officer Alberts' far right. Officer Marin took a perimeter position at the rear of the house. Officer Alberts heard Officer Rocha communicating with what he described as woman with an "Asian" accent inside the home. Officer Alberts said he heard Officer Rocha, tell the woman the San Diego Police were at the door, and come to the door. Officer Rocha confirmed this by telling Officer Alberts the woman is coming to the door. Officer Alberts illuminated the door with his flashlight, anticipating the female Officer Rocha spoke with was opening the door. Officer Alberts, believing he was speaking to the woman opening the door, asked the person opening the door if her husband was home. He could not see the person opening as it opened because the door concealed the subject from Officer Alberts' view. As the subject opening the door revealed himself, Officer Alberts immediately recognized Nguyen armed with a knife emerging from the doorway from within a distance of six to seven feet. Alberts attempted to retreat to gain distance from Nguyen as he emerged from the doorway. As Officer Alberts retreated, he drew his weapon, and ordered Nguyen to drop the knife several times. Officer Alberts said he believed Nguyen would comply, and drop the knife as ordered, but Nguyen did not.

It is clear from the statements obtained in this case and the evidence at the scene that Officer Alberts fired his weapon in response to Nguyen's assault after immediately opening the front door. Through his actions, Nguyen presented an imminent threat to cause death or serious bodily injury to Officer Alberts. Officer Alberts' actions in response to Nguyen's deadly threat were legal, justified, and reasonable considering the circumstances.

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**DOCUMENTATION:**

The results of this investigation are based on the following items:

- The Shooting Incident Report completed by Sergeant Saflar.
- Officer's narrative prepared by Officer Rocha.
- Two Additional Victim/Witness reports prepared by Officer Rocha.
- CAD Incident Report printout for #15070003825.
- Officer Daily Journal printouts for Officer Alberts (936J3) and Officer Rocha (934J3).
- CD-ROM containing interviews of Officer Alberts and Officer Rocha by Sergeant BRINKERHOFF.
- CD-ROM containing nine digital photographs.
- Human Resources Employee Data sheets for Officer Alberts, Rocha, Marin, and Shields.
- Firearms Proficiency Report for Officer Alberts.
- Google Map photo of 16492 Via Fiesta, San Diego.
- Printout of MCT messages from Alberts (936J3) dated September 9, 2009.
- Incident History #09090013762 dated September 9, 2009.
- Google Maps location map 14692 Via Fiesta
- Google Maps street view 14692 Via Fiesta
- CD-R disk from SDPD communications containing radio transmissions of this incident (15-070003825)
- Human Resources Employee Data sheets for Officer Shields ID #7231
- Unit Histories for Officer(s) Alberts (936J3), Rocha (934J3), and Shields (931J3).
- Firearms Proficiency Report for Officer Alberts. Officer Alberts qualified with the weapon used in the shooting on June 3, 2015.
- Electronic Officers Daily Journals for Officer Alberts and Rocha.
- CDL Printout Nguyen, Ton Ngoc U5084710
- Copy of Email Communication between Homicide Det. T. Norris, ID #3979 to US Border Patrol Agent E. VEGA-FLORES regarding Nguyen, Ton Ngoc's immigration status.
- Copy of Departmental Criminal History Report completed by Homicide Det. T. Norris, ID #3979 on subject Nguyen, Ton Ngoc.
- Copy of CLETS Criminal History Report completed by Homicide Det. T. Norris, ID #3979 on subject Nguyen, Ton Ngoc.
- Copy of 5150 Detention Report on subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Alberts ID #4835 on September 6, 2009.
- Copy of Additional Victim/Witness Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer TRUSS ID #4607 on September 6, 2009.
- Copy of Officers Report Narrative (ARJIS 9) Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer TRUSS ID #4607 on September 6, 2009.

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- Copy of Officers Report Narrative (ARJIS 9) Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer TRUSS ID #4607 on September 6, 2009.
- Copy of Officers Report Narrative (ARJIS 9) Report on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Ruiz ID #6608 on September 6, 2009.
- Copy of related Force Effectiveness Form on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Drahosova ID #6480 on September 6, 2009.
- Copy of related Force Effectiveness Form on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Alberts on September 6, 2009.
- Copy of related Force Effectiveness Form on 5150 Detention Report of subject Nguyen, Ton Ngoc dated September 6, 2009, completed by Officer Ruiz ID #6608 on September 6, 2009.
- Copy of Certificate of Release Form on subject Nguyen, Ton Ngoc dated September 8, 2009, Kimberly Glenn, Records Division Commanding Officer.

**CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF  
OF POLICE AND/OR CITY ATTORNEY.**

Reporting Officer: Benjamin A. Kelso, Sergeant ID: 4702 Division Internal Affairs  
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## San Diego officer kills man who tried to attack him with a knife, police say



A police officer was shot and killed overnight Thursday in the Black Mountain Ranch area after police said he resisted an effort with a knife.

By TONY PERRY  
contact the reporter

JULY 3, 2015, 7:12 AM

**A** San Diego police officer shot and killed a 60-year-old man who was attempting to stab him with a knife, police said Friday.

The incident occurred Thursday night in the Black Mountain Ranch community after police received a call that a man had been assaulted by another resident in a condominium complex, according to Lt. Paul Rorrison.

Police went to the suspect's condo. The man came out of his residence holding a knife and refused orders to drop the weapon, Rorrison said.

The police officer fired one shot, Rorrison said. The man, identified as Ton Nguyen, was pronounced dead at a hospital in La Jolla.

Police identified the officer, a veteran of 24 years with the department, as Michael Alberts.

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## SDPD: Officer fatally shot man with knife



By Pauline Repard | 6:39 a.m. July 3, 2015 | Updated: 9:51 a.m.



SAN DIEGO — A San Diego police officer fatally shot a man who charged at officers with a knife at a northern San Diego condominium late Thursday night, authorities said.



The name of the 60-year-old man who died was not released. A neighbor said the man lived with his wife and had retired after the business he ran failed.



Police withheld the name of the officer who fired, but said he is a 24-year department veteran.



Residents called police about 11:40 p.m. to report an assault at a condo complex on Via Fiesta, a few blocks off Camino del Sur in Black Mountain Ranch, homicide Lt. Paul Rorrison said in a news release.

A man at the complex told officers he'd been attacked by a resident.

Officers knocked on the door of the suspected assailant and a man came out holding a knife, Rorrison said. He said officers ordered the man to drop the knife, but he "immediately charged at one officer and attempted to stab him."

One officer fired a single round at the man, wounding him in the torso. Officers started life-saving measures until paramedics got there, Rorrison said.

The wounded man was taken to a hospital, where he died.

Rorrison told 7San Diego news station that the officer had only a split-second to draw his gun and fire after the man opened his front door suddenly and charged out with the knife.

He also said the first victims who reported being assaulted, a man and woman, told police the suspect kicked the man and flicked lit matches at them.

A resident who lives next door to the man who died said nearly everyone in the complex moved in soon after it was built in 2004.

"That's when I first knew him," said Santi Jittathai, 42. "So far he was a good guy. A good neighbor. We shared food."

He said he was asleep when the shooting happened, and didn't hear or see anything of the confrontations.

Jittathai said he simply called the man "uncle" out of respect for his age. He said the man was from Vietnam, and he and his wife have a daughter who has graduated from college.

"I worry about his wife now," Jittathai said. "Normally he drove her to work every day. For his wife, he's everything. He used to own a business. I think it didn't go very well so he retired. His wife earned the living."

Jittathai expressed sorrow for the events leading to his neighbor's death, adding, "May his soul rest in peace."

Police had the streets and the man's condo cordoned off with barrier tape through of the night.



Pauline Repard



## More from Pauline Repard

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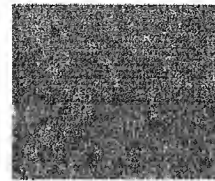
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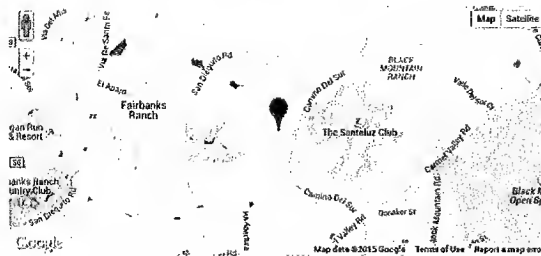
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## Police Kill Knife-Carrier in Black Mountain Ranch

PHOTO BY CHRIS DUNN FOR THE TIMES | 2015-07-07 | 11:40 p.m. | 11:40 p.m. | 11:40 p.m.



A person who confronted San Diego Police officers with a knife in the Black Mountain Ranch community was shot and killed late Thursday by a San Diego Police officer.

The shooting occurred in the 14600 block of Via Fiesta at 11:40 p.m., Officer Robert Holmes said.

Homicide detective Lt. Paul Rorrison said officers responded to a call of an assault at a condominium complex.

Rorrison said the suspect in the assault, a 60-year-old man, answered a knock at the door from an officer by charging at him with a knife.

An officer fired a single shot, striking the suspect in the torso, Rorrison said.

The suspect was pronounced dead at a hospital, Rorrison said.

The officer who fired the fatal shot was a 24-year veteran of the department, Rorrison said.

No officers were hurt in the incident.

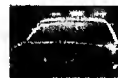
The identity of the suspect was not released, Rorrison said.

— City News Service

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PHOTO BY CHRIS DUNN FOR THE TIMES | 2015-07-07 | 11:40 p.m. | 11:40 p.m. | 11:40 p.m.

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# MAN CONFRONTS POLICE WITH KNIFE IS SHOT, KILLED



By CW News Staff  
Story Published: Jul 2, 2015 at 6:05 AM PDT  
(Story Updated: Jul 2, 2015 at 5:14 PM PDT)

**SAN DIEGO** - A person who confronted San Diego Police officers with a knife in the Black Mountain Ranch community was shot and killed by a San Diego Police officer, police said Friday.

The shooting occurred in the 14600 block of Via Fiesta at 11:40 p.m. Thursday San Diego Police Officer Robert Heins said.

Homicide detective Lt. Paul Rorrison said officers responded to a call of an assault at a condominium complex.

Rorrison said the suspect in the assault, a 60-year-old man, answered a knock at the door from an officer by charging at him with a knife.

An officer fired a single shot, striking the suspect in the torso, Rorrison said.

The suspect was pronounced dead at a hospital, Rorrison said.

The officer who fired the fatal shot was a 24-year veteran of the department, Rorrison said.

No officers were hurt in the incident.

The identity of the suspect was not released, Rorrison said.

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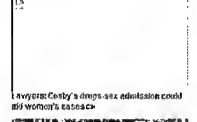
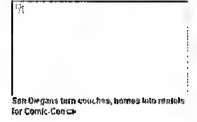
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## SDPD shoots man armed with a knife in North County

Posted: Jul 07, 2015 6:00 AM PST  
Updated: Jul 07, 2015 10:50 AM PST

Video Report By Gene Kang, Reporter [Connect](#)

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**SAN DIEGO (CBS 8)** - Homicide detectives locked down an area in North County Friday, as they gathered evidence on an officer-involved shooting.

A suspect was shot and killed by police. San Diego Police Chief Shelley Zimmerman monitored the scene.

The Homicide Unit says around 11:40 Thursday night, officers were called out to the 14,000 block of Via Fiesta in the Black Mountain Ranch community because of a fight.

Residents called 911 after a man beat another man. Police say the suspect, in his 60's to 70's, assaulted neighbors and kicked them.

They led officers to the suspect's front door, that's when he allegedly rushed at them with a knife.

Homicide detectives say an officer fired one shot.

The suspect was transported by medics to Scripps Memorial Hospital where he later died.

His next door neighbor was sleeping during all the chaos and says she's stunned, and left with mixed emotions.

"If it's the man I'm thinking, he seemed so nice and normal. Certainly, I have a baby and I don't want anyone weird or crazy running around my neighborhood. I'm just really shocked and sad that happened," Angel Larson said.

Authorities aren't releasing the name of the suspect until his family has been notified.

The officer involved in the shooting has been with the San Diego Police Department for 24 years. He is on administrative leave during this ongoing investigation.

### Local News

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**Former EMT sentenced to 4 years probation for having sex with a minor**

Updated: Jul 07, 2015 3:57 PM PST

A former emergency medical technician who had sex with a 15-year-old girl he met online was sentenced Tuesday to four years probation, given credit for 112 days in jail and ordered to register as a sex offender while on probation.

**Lockdown lifted at Rosa Parks Elementary**

Updated: Jul 07, 2015 3:02 PM PST

Rosa Parks Elementary School was placed in a temporary lockdown in City Heights Tuesday afternoon.

**Local refugee kids treated to day of fun on the bay**

Updated: Jul 07, 2015 12:21 PM PST

Dozens of young refugees are jumping into summer fun San Diego style.

**Security a concern for huge crowds at Comic-Con**

Updated: Jul 07, 2015 11:41 AM PST

Security is tightening downtown where thousands of people are expected to fill the streets during Comic-Con. The massive pop culture event is getting underway amid new questions about attendee safety.

**Kickboxing moves that help you fight like a superhero**

Updated: Jul 07, 2015 10:16 AM PST

Diet and fitness experts agree, the best way to lose weight is through a cardio workout.

**4th of July murder suspect arrested**

Updated: Jul 07, 2015 6:44 AM PST

A man who police say stabbed a 54-year-old man to death at a Fourth of July party in Logan Heights has been taken into custody.

**Downtown is transforming into Comic-Con central**

Updated: Jul 07, 2015 6:43 AM PST

With just days to go until Comic-Con, the excitement is building.

**Man drives into hydrant and tree**

Updated: Jul 07, 2015 6:42 AM PST

A man crashed his SUV into a tree and the hydrant Monday morning in Kelsey Mesa.

**Mayor presents the 1st mile of street repairs**

Updated: Jul 07, 2015 6:42 AM PST

The city of San Diego launched a street repair program Monday morning designed to fix 1,000 miles of bumpy roadways over the next five years.

**12-year-old boy injured after plane crashes on beach in good condition**

Updated: Jul 07, 2015 6:41 AM PST

A 12-year-old boy struck by a small plane as the pilot made an emergency crash landing at a Carlsbad beach on the Fourth of July remained hospitalized Tuesday in good condition, authorities said.

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3rd, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta [REDACTED] Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**SUBJECT INTERVIEWED:** ALBERTS, Mike, ID #4835  
Northwestern Division/2<sup>nd</sup> Watch  
[REDACTED]

**SYNOPSIS:**

On Thursday, July 2, 2015, SDPD dispatch received a radio call of a disturbance from [REDACTED] Via Fiesta (Beat 937). The reporting party, [REDACTED] claimed that an unknown subject, described as an Asian male adult between the age of 60 and 70, was acting crazy and kicked her [REDACTED] also stated the male was in front of a brown Honda Civic. Officer ALBERTS #4835, Officer ROCHA #5508, Officer MARIN #7261, and Officer SHIELDS #7231 responded to the scene. Officer ALBERTS recognized the suspect description from a previous incident and sent a message to other officers responding to the scene. The message warned them if it was the same suspect, the incident resulted in the suspect being tased after a confrontation.

At approximately 0003 hours, Officer ALBERTS found the vehicle described in the radio call, conducted a DMV records check on the vehicle, and determined the registered owner was Ton NGUYEN at 14692 Via Fiesta [REDACTED]. Officers knocked on the door and were met by NGUYEN, who was brandishing a knife and lunged at Officer ALBERTS. Officer ALBERTS shot NGUYEN once in the torso area, stopping the threat. NGUYEN was transported to Scripps La Jolla, where he was pronounced deceased at 0044 hours by Dr. SCHWENDIG.

**PR:** Paul RORRISON, Lieutenant – Homicide Unit  
**BP:** Bruce PENDLETON, Sergeant – Homicide Team I  
**JS:** John SAFLAR, Sergeant – Homicide Team I  
**MA:** Mike ALBERTS, Officer – Northwestern Division – 2<sup>nd</sup> Watch  
**BF:** Bradley FIELDS, POA Attorney

At about 0410 hours on July 3, 2015, Officer ALBERTS was interviewed in the Homicide office. I first completed the Officer Involved Shooting Incident Report. The entire interview was recorded and lasted approximately 23 Min. 50 sec.

Investigator's Report  
Interview of Officer ALBERTS  
Case #15-028431; #15-028434  
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BP: Today's date is July 3, 2015. The time is 0410 hours. This is Detective Bruce PENDLETON interviewing Officer Mike ALBERTS and present during this interview are:

JS: John SAFLAR, ID #5193.  
PR: Lieutenant Paul RORRISON, #4305  
BF: POA Attorney Brad FIELDS.

BP: Okay. And Mike, I'm just going to go down this checklist  
MA: Yes sir.

BP: And ask you some questions here, okay? Okay, Michael what's your middle name?  
MA: Robert.

BP: And how old are you?  
MA: [REDACTED]

BP: And your birth date?  
MA: [REDACTED]

BP: And how tall are you?  
MA: 6 foot.

BP: And your weight?  
MA: 210 sir. Brown hair.

BP: Brown hair?  
MA: Yeah. Well it's going gray.

BP: Brown eyes? Blue?  
MA: Uh, blue. Yes.

BP: And what's your ID? 4835?  
MA: 4-8, yes sir.

BP: And what's your badge number?  
MA: 2-5-2-4.

BP: And do you remember your date of hire?  
MA: Yes sir. Anniversary was just the other day. 07-01 of 1991.

BP: And you're currently assigned to?  
MA: Northwestern Division and SWAT.

BP: And who's your supervisor?  
MA: Blaine FERGUSON.

Investigator's Report  
Interview of Officer ALBERTS  
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BP: And how long have you worked at Northwestern?

MA: I believe since 2009.

BP: And what's your unit number tonight?

MA: 936J3.

BP: And what equipment number were you driving tonight?

MA: PRT Car, 7-1-6-3.

BP: And what are your work hours?

MA: Uh 2100 to 0700.

BP: And your days off?

MA: Sunday, Monday, Tuesday.

BP: And how many hours of sleep did you get the night before your shift?

MA: Uh, let's see. I went to bed about 9:30 and I woke up about 4:30. So what is that? 7:00 or...

BP: Seven?

MA: Yeah, yes sir.

BP: Are you right or left-handed?

MA: I am right-hand...I'm both. I write with my left. I'm a right-handed shooter.

BP: A right-handed shooter?

MA: Yes sir.

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: Have you consumed any alcoholic beverages in the last 24 hours?

MA: No sir.

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: What's your primary weapon?

MA: It is a Springfield Armory, TRP Operator, .45 cal.

BP: And the serial number on it?

MA: Uh, I would, I would have to look. I'm sorry.

BP: Okay. You don't have it with you right now?

MA: Yeah, it's on me.

BP: Go ahead.

MA: It is going to be [REDACTED]

BP: Okay. And Springfield is the make? TRP is the model?

MA: Uh yes.

BP: Okay.

MA: TRP.

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP: [REDACTED]

MA: [REDACTED]

BP:

MA:

BP:

MA:

BP:

MA:

BP: Okay. So Mike in your own words, just tell us what happened tonight.

MA: Okay sir. It was probably the third call of the night. It wasn't really a busy night. Northern was going off like usual with calls. Northern had just had a 245/ 215 stabbing they were working on their freq. Dispatch got on the air and aired that they had a 415 violent coming in on Via Fiesta. That's a distinct street because it has the Mosque behind it, so we've been doing "D" runs (security checks) out there over the last couple of days. I read the comments on the call. It said the RP's [REDACTED] had been kicked by an Asian male in his 60's, and that he was throwing things out of a car at other vehicles. Literally last week I pulled the PAC file from Via Fiesta involving a Vietnamese male, Mr. NGUYEN, we had an incident on Via Fiesta six years ago where a male was screaming about killing somebody and I think they heard a woman screaming for help from an address on Via Fiesta. So I recognized the street. I didn't know if it was him or not. I kind of felt guilty because I literally just had dispatch pull that PAC file last week because it'd been five, six years since we haven't had any incidents with Mr. NGUYEN. So I sent it to P9 because the primary was busy with Northern's stabbing, and I said, 'FYI we're at uh....' and I don't know verbatim. I just basically said there was an Asian male that we had an incident with where he tried to grab my gun on a call out there. I said, 'I'm not sure if this is the guy, but if it is, just for officer's safety it ended up in a ground fight and we had to taze him to take him into custody. So I sent those to P9. I didn't attach them to the incident, I sent them to P9. The distance to this location is anywhere from twelve to fifteen minutes, from Beat 934 to 937, so I knew I was coming from a pretty good distance. Uh, as I'm driving, there's no real updates because Northern's air is tied up. Dispatch saw the 3<sup>rd</sup> update so she advises units, 'You need to check your MCTs for messages, 936J, in regards to this possible subject'. So I get 97 first. It was probably a little bit before midnight. I utilized the fog lights on my vehicle. They're super bright as compared to the old vehicles back in the day. Floods the whole street. It said the subject was in a, I think a gray or brown, Honda. So I checked every Honda on Via Fiesta. I went up once. I went down again. Saw no one on the street. So then I decided to drive into the apartment complex. By that time there's three or four additional units there. Officer ROCHA, Officer MILTON (MARIN) I think the new guy and is, and Officer SHIELDS. As we're driving through the complex, a woman and a man pull up in a white, small SUV. He gets out and he says, 'Officers! Officers! I'm the one that called. I'm the one that called'. And I said, 'Okay, well we didn't see him out on the street'. He goes, 'I'll show you what car he was in.' And I think I told him, I said, 'Well that's good'. I said, 'We had an incident with a male before on this particular street and he tried to grab an officer's gun so we just want to make sure it's not the same individual'.



He goes, 'Oh, okay. I'll show you'. So he drives out, points to the car. I think I ran it or Officer ROCHA ran it. One of us ran it. As soon as the name came back, I recognized that it was Mr. NGUYEN and the address, we were literally, I'm gonna guess fifty to hundred feet from the actual address. So the car was right there.

We look, listen and feel. We don't hear anything. The apartment to the south of Mr. NGUYEN's address, the lights were on so I thought maybe that was it. I think that was Apartment [REDACTED]. So then we confirmed the address and it was apartment [REDACTED]. No lights on. All the windows were open but no lights were on. Look, listen and feel, I sent the new officer to the back. I go and make sure there's nobody hanging out in the garage or the alley way. Officer SHIELDS was off to my left and I don't know how far because I stayed focused on the front door. But I stayed off of the front door (6-7 ft) because of the incident I had the last time. The fight for my gun was literally in the doorway. So I stayed off the door. I didn't know if this individual was back. I didn't know if it was the same guy. The name and everything all tied in. Officer ROCHA was off to my right side and so I knew I had a good perimeter position. We had already asked for a dog, if there was dog close go ahead and start them that way. Officer ROCHA all of a sudden, he said something. He's communicating with a woman and I could hear the Asian accent. And he said, 'Ma'am, this is San Diego Police we need you to come to the door'. And so I heard that distinctly and that was after we had rung the doorbell and nobody came to the door. So I stayed right where I was. I had, it's an 'O' light. It's called an M-22 I believe. It's a 950 lumen flashlight. It's brighter than our spotlights on our cars. So he informs me that the female is coming to the door. So I illuminate the door. The door opens so I let my guard down. I believe it's going to be the [REDACTED] so we can talk to her, say, 'Hey is your [REDACTED] home, where is he, is he still out and about in the complex'. So literally the door opens up and as soon as he comes out, I recognize it's Mr. NGUYEN. I had him lit up. The first thing my light reflects off the silver blade of the knife. It looked to be probably a five or six inch knife. He had it in his right hand. I yelled out, 'Drop the knife!' Clear as day I heard it. And then in my mind, I go, 'He's gonna drop it'. And I think I got caught completely off guard because he didn't drop it. As soon as I said that, he starts raising like he's coming towards me to stab me, and then he just increased his speed. So I took a step back and literally prepared myself to get stabbed.

Officer ALBERTS' voice began to crack and he became teary eyed.

PR: You can take a break if you want.

MA: Because I thought I screwed up and was too close. So I tensed up and I drew and as I drew, I think I fired with one hand and dropped this light, to go to two handed shooting. And he was probably three feet from me when I shot him. And then he immediately spun to his right side and kind of went up in the air. Kind of like an up and over movement, and then fell onto his right side. (Voice cracking and teary eyed) And then I could see him bleeding out and the knife was still down by his right hand. I tried to get on the air and say 'Shots fired' and Northern had the air tied up again. So I focused on him. This time I activated the light on my primary. Officer SHIELDS had come over from my left. Officer ROCHA came over from my right. I could see he was moving, but it was minimal. I mean he was turning the ash color.

I've seen that a lot in Iraq. And I told the new guy (Marin) he needed to go up and check for a pulse, but before he did that we needed to move him away from the knife. So he gloved up, Jason ROCHA gloved up. I was still trying to gather myself because it just happened so fast. Officer SHIELDS said, 'Yeah, I can feel a faint pulse'. So I ran back. I might have walked fast, ran, I don't remember. I always carry a huge CLS bag. It's a combat life-saving bag with enough to triage ten people. That's one of the things I learned from Iraq; always have plenty. So I grab that. I went back and gloved up, took out some gauze. I think they call them 4 x 4's. I took out a stack of them, pulled his shirt down. I could see a single gunshot to his sternum. I put direct pressure on it. Kind of didn't feel right just because I was still trying to tune myself back into the whole thing that happened. So I asked Officer SHIELDS, 'Can you maintain direct pressure on him?' One of us had already called for medics. The only other thing that happened prior to that was his [REDACTED] had said, 'What happened? What happened to my [REDACTED] He's sick! He's sick!' And then one of the officers that was in the back, I think it was MILTON (Marin) asked her to step back into the house. I think she looked out momentarily, turned on the porch light and then she went back into the house. And then once I knew the medics were 97 I went back with Officer ROCHA and we just set up crime scene tape. I was giving updates on his pulse and what we were doing for triage. And just advising, you need to start the Sergeant and stuff like that. Other than that, I just stayed away. Once the medics were there and they were doing their thing, I just stayed away from it. The only thing I did do on my way out, cause the medics were going to kick it, my flashlight that I had dropped to my left side, I picked that up and secured that. That's the only thing. And then my, I think my latex gloves are still at the scene. I pulled them off and put them off to what would be the east. I think that's the only other thing I left there. And I picked up my CLS bag. It's a big, tan backpack for medical gear, so I picked that up and took that back to the car and then just stayed out of the scene until other supervisors and stuff showed up. I gave Sergeant SAYLES a safety brief and then that was it. And then Traffic Officer VOSS drove me back to the station in my car just because there's so many weapon systems and other things in my SWAT vehicle that we got. It wasn't inside the crime scene tape. It was outside the crime scene. There were four utility vehicles in the street. That's our whole division and mine was the one furthest away from the address itself so, so literally in front of his house. I don't think we were parked directly in front, but there were four marked units right in front of, basically almost right in front of his address. I think I got on the air and asked somebody to secure the original RP or try to and get a hold of the original RP because he told me he'd be available if we needed him for follow-up calls. And then I went back to the station and that was it.

BP: Mike, why did you shoot?

MA: Like I said, I took a step back trying to gain distance and he just, he gained so much ground on me so fast. I thought I waited too late. And I knew if I didn't fire, I was going to get stabbed probably right below the vest. That's why I prepared myself to take the hit. I knew if I didn't fire at that moment, I was gonna get stabbed. And then I know how hard he fought the last time and it took a long time.

I mean, he's an older gentleman but he's in probably the best shape I've ever seen for somebody that age. I mean literally when he came out of the door, he had just tone locked, he had that blank robotic stare on him, and just beelined it straight for me.

BP: Okay. Lt. Rorrison, anything?

PR: I just got one, just so we can put it on record here. You said he came out the door and was holding the knife in his right hand and you motioned that he was holding it straight out in front of you.

MA: When, he had it down towards his right side, and then as soon as I told him to drop it, he increased his pace towards me. And it was like he was starting to come towards me with it when I drew and fired.

PR: He was lunging at you?

MA: Yeah, like I said, he first walks out kind of slow and not methodical and then as soon as I gave him the command to drop it, it was almost, it wasn't running but it was a decisive move straight towards me.

PR: Okay.

MA: And I would say he was probably within three feet when I actually fired. And like I said, 'It happened so fast, I'm pretty sure I fired with one hand, dropped the light and then tried to come up for a two hand in case it wasn't over. The one round went off and that was it. He went down.

PR: Okay. And I just got one question. You said you dropped the light and you secured it?

MA: Yes sir.

PR: Is it still at the scene or?

MA: No, no. I secured it.

PR: Okay.

MA: Because it was dropped off to my left side and it was literally in the middle of the sidewalk and then medics came and there's not a lot of room to get down that side though, so I picked it up and secured it and then put it in my vehicle. There's a holster for it right next to the mike in my car.

PR: Okay. We'll just have to get that.

MA: Okay.

PR: Will you go back to that station and get that.

MA: Okay, yeah. It's in 7163, so.

PR: That's all I got.

BP: Okay.

JS: When you said he came out of the door, he was almost walking slow until he saw you, and then he started moving towards you and raising his hand as if he was going to stab you?

MA: It's like he came from the waist, and just made a beeline straight towards me.

JS: And then you said he got within about three feet away.

MA: Of me.

JS: Was that the blade or was that his body?

MA: I felt like it was his body

JS: And then you ultimately stabbed him because you felt like you were going to get stabbed

MA: Absolutely! Like I said I tried to step back thinking I could gain ground and then when I realized there is just nowhere to go he's already on top of me is what it felt like, that's when I drew and fired. I'm still trying to figure out how I had time to get out and draw. It was just that fast.

BF: Just building on that, your training, what is the distance...is there a magic distance that you're aware of or at least in your training that somebody with a knife can be on top of you before you might be able to...

MA: Back in the day the rule used to be 21 foot rule and I know everybody in here has heard of that. When I went through the Firearms Instructor School in Sacramento back in 1996. We did a drill where they had shooters on the line and they had the other students behind them and as soon as they said 'draw', they had the officers run and the average distance was 29 to 36 feet. So, it was way beyond the 21 foot rule. But that's kind of the magic number that they, that they give you. So I knew when he was, I'm going to guess that I was eight feet from that door, maybe six feet from the door when it started. And when he covered that distance so fast, I knew I was way behind power curve.

BF: And then the other issue, so you mentioned that you had, and I just want to make sure we have this on the record, you had had contact with this, with the suspect how many years ago?

MA: I want to say roughly six years ago.

BF: And was it at the same residence?

MA: The same exact residence.

BF: Okay and um when did you realize that this was either likely or the same, or the same suspect that you dealt with six years ago.

MA: Well...and again that's why I pulled the PAC file because I even told the dispatcher, 'We haven't had any calls. Either he moved or I don't know what'. So I go, 'I know you guys don't like stacking up the PAC file thing, so you're good to remove this one'.

BF: And when did you remove that?

MA: Literally last week.

BF: And why did it come up last week?

MA: Um, we were doing...I think we got...we either got a call to Via Fiesta. In fact I think that's what it was, or we were doing D Runs at the mosque and whenever you're in the same hundred block, the PAC file popped up. And that's when I ran him. I'm like this guy's probably not even there anymore and it was Officer (inaudible) was there and Officer RUIZ was there for that incident.

BF: So six years you had this incident but a week ago just sort of by coincidence...

MA: The PAC file popped up.

BF: The PAC file pops up. You ask them to remove it. But that's in your head as this is...

MA: Driving there. As soon as I read the description and that age, I'm like...and the behavior. When the reporting party used the term aggressive behavior and all that, I'm thinking I don't know who else we had, literally no calls of anything like that nature. It's just...and that's the first thing that popped in my head.

BF: And when the suspect came out of the door, did you remember him?

MA: Immediately. Yeah. Same look on his face as last time so....

BF: That's all I have.

BP: Anything else? Okay. We'll conclude this interview. The time is 0430 hours.

Reporting Detective Sgt. B. PENDLETON I.D. 4706 Homicide Team: CCT  
Approved by: Lieutenant Paul R. Rorrison #4305 Date of this report: 07-23-15 Time: 1300 Hrs





























































































**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3, 2015

**TIME (occurrence):** 0005 Hours

**LOCATION:** 14692 Via Fiesta [REDACTED]

**SUBJECT:** Officer Involved Shooting  
Case # 15-028434  
Special Investigation #15-028431  
Officer Michael Robert ALBERTS #4835

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**Synopsis**

On July 3, 2015, at about 0025 hours, I received a telephone call from Lt. Paul RORRISON #4305, requesting me and Team One respond to [REDACTED] Via Fiesta to investigate an Officer Involved Shooting. I notified Sgt. John SAFLAR #5193 and detectives, Tim NORRIS #3979, Bill MILES #5473, Dave SPITZER #4665 and Bill KELLNER #5776, I also requested Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT to respond.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs, after all of the team had assembled we were briefed on the incident by Sgt. Gaylon SELLS #4231. Sgt. SELLS told us that at about 2340 hours, SDPD Communications received a call of a 415, Violent at [REDACTED] Via Fiesta. The call was dispatched at 2340 hours and the first officers arrived on scene at 2353 Hours. The officers were, Mike ALBERTS #4835, Jason ROCHA #5508, Charles MARIN #7261 and Bryan SHIELDS #7231. None of the officers are trained in the use of the Body Worn Camera (BWC).

The reporting party on this call was [REDACTED] They reported that an unknown male was in front of the location in a brown, Honda, Civic acting aggressive and possibly 5150. [REDACTED] also reported that the male kicked [REDACTED] The male was throwing lit matches at other vehicles. They described the suspect as an Asian, male adult, 60-70 years old, short and thin, wearing unknown clothing and unknown weapons.

As officers were enroute at 2345 hrs, Officer ALBERTS sent a message to P-9 which said, "In the event it is the same guy, he attempted to grab my gun when I 417'd him on a possible knife call. It ended in a ground fight and him being tased."

When officers arrived on scene the suspect's vehicle was pointed out to them by [REDACTED] Officer ALBERTS ran the plate and realized it was the same person he fought with on a previous call. That person's name was, Ton Noc NGUYEN, 1-16-55.

Synopsis

Case #15-028431

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The officers went to the address listed on the vehicle registration, 14672 Via Fiesta [REDACTED] Officer ALBERTS and Bryan SHIELDS went to the front door and knocked. After knocking on the door, the suspect, NGUYEN rushed out of the door towards Officer ALBERTS with a knife in his right hand. The suspect was within 7 feet of Officer ALBERTS. Officer ALBERTS attempted to back away from the suspect who picked up speed as he advanced on the officer. Officer ALBERTS drew his duty weapon and fired one round, which struck NGUYEN in the upper torso. NGUYEN immediately fell to the ground. Officers secured the scene and began to administer first aid to NGUYEN. NGUYEN was transported to Scripps La Jolla where he was pronounced dead by Dr. James SCHWINDIG at 0044 hours.

At 0310 hours, Lt. RORRISON and I notified Nguyen's [REDACTED] that he did not survive his wound.

Reporting Detective Sgt. John Saflar I.D. 5193 Homicide Team: I

Approved by: \_\_\_\_\_ Date of this report: \_\_\_\_\_ Time: \_\_\_\_\_





THE CITY OF SAN DIEGO

## San Diego Police Department

**FOR IMMEDIATE RELEASE**

**Date: July 3, 2015 (Friday)**

**Time: 0545 Hours**

**CONTACT: Lieutenant Paul Rorrison  
Homicide Unit**

### **POLICE INVESTIGATE OFFICER INVOLVED SHOOTING IN THE BLACK MOUNTAIN RANCH COMMUNITY**

On Thursday, July 2, 2015, at 11:40 p.m., San Diego Police Officers responded to a report of an assault in the 14600 block of Via Fiesta. When officers arrived, they located a male victim who stated he had been assaulted by an Asian male that lived in the condo complex.

Officers responded to the suspect's residence and knocked on the front door. A 60 year-old Vietnamese male exited the residence holding a knife. Officers ordered the male to drop the knife, but the suspect immediately charged at one officer and attempted stab him. One officer fired one round from his handgun, striking the suspect in the torso. The officers attempted life-saving measures until medics arrived on scene. The suspect was transported to Scripps La Jolla Hospital where he was pronounced deceased.

The suspect's identity is being withheld pending family notifications.

The officer involved in the shooting has been with the San Diego Police Department for 24 years.

Anyone with information related to this incident is encouraged to call the San Diego Police Department's Homicide Unit or Crime Stoppers at 888-580-8477.

###



THE CITY OF SAN DIEGO

## San Diego Police Department

**FOR IMMEDIATE RELEASE**

**Date: July 4, 2015 (Saturday)**

**Time: 2330 Hours**

**CONTACT: Lieutenant Paul Rorrison  
Homicide Unit**

### **POLICE IDENTIFY SUSPECT AND OFFICER INVOLVED IN BLACK MOUNTAIN RANCH SHOOTING**

On Thursday, July 2, 2015, at 11:40 p.m., San Diego Police Officers responded to a report of an assault in the 14600 block of Via Fiesta. When officers arrived, they located a male victim who stated he had been assaulted by an Asian male that lived in the condo complex.

Officers responded to the suspect's residence and knocked on the front door. A 60 year-old Vietnamese male exited the residence holding a knife. Officers ordered the male to drop the knife, but the suspect immediately charged at one officer and attempted to stab him. One officer fired one round from his handgun, striking the suspect in the torso. The officers attempted life-saving measures until medics arrived on scene. The suspect was transported to Scripps La Jolla Hospital where he was pronounced deceased.

The suspect has been identified as 60 year old Ton Nguyen of San Diego.

The officer involved in the shooting has been identified as 24 year San Diego Police veteran Michael Alberts.

Anyone with information related to this incident is encouraged to call the San Diego Police Department's Homicide Unit or Crime Stoppers at 888-580-8477.

###

OFFICER'S REPORT ONLY		SAN DIEGO REGIONAL OFFICER'S REPORT		INCIDENT NUMBER 15070003825	
				PAGE 1 of 1	
CODE SECTION AND DESCRIPTION ZZ / 981153 / MISCELLANEOUS REPORTS - 153			DATE 07/03/2015	DAY OF WEEK Friday	TIME 00:04
LOCATION OF INCIDENT (OR ADDRESS) 14692 VIA FIESTA				CITY SAN DIEGO	BEAT 937
SUSPECT (IF NAMED) Nguyen, Ton Ngoc					

### OFFICER'S STATEMENT:

On 07-03-2015, at approximately 0007 hours, I responded to an officer involved shooting at 14692 Via Fiesta

I arrived on scene and numerous units were there so I was released. On my way back to Northern Division I was assigned to go to Scripps La Jolla Hospital at 9888 Genesee Avenue and relieve Officer B. Shields Rogstad (#7231), who rode in the ambulance with the suspect.

I arrived at the hospital and relieved Officer Shields Rogstad. The suspect had been pronounced dead prior to my arrival. I remained at the hospital with the suspect's body until Detective D. Spitzer (#4665) relieved me at approximately 0530 hours.

This concluded my involvement in the case.

Approved By: A/Sgt Broaddus 5209

REPORTING OFFICER CHRISTOPHER BERNARD	I.D. # 6957	DIVISION N3	AGENCY SDPD	DATE OF REPORT 7/3/2015	TIME 01:54
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**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta ■■■ Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**SUBJECT INTERVIEWED:** **Officer Rocha, Jason ID#5508**  
San Diego Police Department  
Northwestern Division  
Assignment: 934J3

**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to ■■■ Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to locate and interview the police officers who were at the location at the time of the incident. Sgt PENDLETON told me the officers were standing by at Northwestern Division. I drove to the substation and found two of the officers waiting in the report room. I introduced myself and said I would be interviewing them one at a time. I conducted the interviews in an open cubicle in the investigations area. I recorded the interviews on digital audio. The following is a synopsis of their statements. For complete details refer to the audio recording.

At 0326 hrs I began my interview with Jason ROCHA.

**STATEMENT OF JASON ROCHA:**

Officer ROCHA said he is currently assigned as a patrol officer assigned to Northwestern Division. Tonight he was working as a backfill overtime position due to low staffing issues. He was working a one officer patrol car identified as 934J3. His current supervisor is Blaine Ferguson.

Officer ROCHA said he and Officer Mike ALBERTS received a radio call of a disturbance involving an Asian male. The details of the call stated the Asian male had kicked the reporting party and thrown lit objects at passing vehicles.

Officer ROCHA said while driving to the call he received a computer message from Officer Mike ALBERTS which said he recalled a few years ago dealing with possibly the same Asian male subject. During that incident the Asian male had gotten into a physical fight with police and tried to grab Officer ALBERTS' gun.

When they arrived at the scene they did not see the Asian male subject. The officers were flagged down by the reporting party [RP]. The RP led them back to the main street and pointed out the Asian male subject's vehicle, a brown Honda Civic. Officer ROCHA conducted a registration check of the license plate and Officer ALBERTS stated he thought the registered owner's name was the same as the male he encountered there several years ago. Officer ALBERTS said he was pretty sure the male lived in Apartment [REDACTED]

Officer ALBERTS asked their dispatcher to see if any Canine Police Units were available to assist but was told none were close or available. Several more patrol units arrived at the scene and went to apartment [REDACTED] to check on the male.

Initially they knocked but got no answers. The lights were off inside. The officers spread out to take up a perimeter around the house. Officer ALBERTS stayed in the front by the door. Officer ROCHA went to the side of the house, he believes on the North side. Officer ROCHA could see through into the house through a window. Officer ROCHA could hear a female inside talking. Officer ROCHA spoke loudly that he was with the police and they wanted to speak to the male. He said he tried to quickly explain the situation to the female. Officer ROCHA told the female to go to the front door. Officer ROCHA could see the female headed towards the front door area.

Officer ROCHA shouted over to Officer ALBERTS that a female was headed towards the front door. Officer ROCHA stayed by the window to keep observations on the interior of the home.

Officer ROCHA was positioned so he could keep partial view on the front of the house where Officer ALBERTS was located. Officer ROCHA estimates he was approximately 20 feet from Officer ALBERTS. Officer ROCHA heard the front door opened and almost immediately Officer ALBERTS began to shout, "Drop the knife, Drop the knife". Officer ROCHA is positive he heard drop the knife at least twice.

Officer ROCHA turned his attention towards Officer ALBERTS and could see him backing away from the front door. Officer ROCHA heard Officer ALBERTS shout something like, "Don't move", or "Stay there". Officer ROCHA saw Officer ALBERTS fire one shot.

Officer ROCHA estimated the timeframe from the time he heard the front door open until he heard Officer ALBERTS fire his handgun was less than five seconds.

Investigator's Report

Witness: ROCHA, Jason

Case #15-009388; #15-009385

Page 3

Officer ROCHA rushed over to assist and could now see an older Asian male with glasses slumped over near the front door. Officer ALBERTS told Officer ROCHA to "check for the knife". Officer ROCHA said the house needed to be checked and cleared. Officer ALBERTS agreed. Officer ROCHA and another officer, Officer MARIN, entered the house while Officer ALBERTS and Officer Shields remained outside. Officer ROCHA immediately encountered an [REDACTED] female running towards the front door. Officer ROCHA heard the female yelling, "He's crazy, he needs help." Officer ROCHA stayed with the female while Officer Marin cleared the house.

Officer ROCHA returned back outside to assist Officer ALBERTS with the Asian male. Officer ALBERTS stood by while Officer ROCHA and Officer SHIELDS found a black handled steak knife by the Asian male.

The officers started giving first aid to the Asian male until medics arrived. Officer ROCHA said one of the officers checked and the male had a pulse. They applied pressure to the wound.

Once enough officers arrived at the scene to control the situation Officer ROCHA drove to the Northwestern substation to standby to be interviewed.

Officer ROCHA said as far as he could remember he has never dealt with the Asian male subject in the past. He does not recall ever having been to this address before either.

Reporting Detective David Spitzer

I.D. 4665

Homicide Team: I

Approved by: Sgt J.Saflar #5193

Date of this report: July 6<sup>th</sup>, 2015

Time: 1530 Hrs

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta [REDACTED] Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**SUBJECT INTERVIEWED:** **Officer Shields, Bryan ID #7231**  
San Diego Police Department  
Northwestern Division  
Assignment: 931J

**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to [REDACTED] Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to locate and interview the police officers who were at the location at the time of the incident. Sgt PENDLETON told me the officers were standing by at Northwestern Division. I drove to the substation and found two of the officers waiting in the report room. I introduced myself and said I would be interviewing them one at a time. I conducted the interviews in an open cubicle in the investigations area. I recorded the interviews on digital audio. The following is a synopsis of their statements. For complete details refer to the audio recording.

At 0312 hrs I began my interview with Bryan SHIELDS.

**STATEMENT OF BRYAN SHIELDS:**

Officer SHIELDS said he is currently assigned as a patrol officer assigned to Northwestern Division. Tonight he was working as a backfill overtime position due to low staffing issues. He was working a one officer patrol car identified as 931J3. His current supervisor is Richard Fortuna.

Officer SHIELDS said tonight he was assisting on a radio call of a "415" involving a male who kicked the reporting party. Officer ALBERTS sent out a message with supplemental information about the possible subject of the radio call. Officer ALBERTS wrote that he had gotten into a ground fight with an Asian male suspect at this same address at some point in the past.

The officers arrived at the scene and they checked the area but they did not see the Asian male. Officer SHIELDS said one of the officers, he's not sure which one, ran the license plate of the Asian male's vehicle and found out where it was registered. They made the decision they were going to attempt to contact the male at that address.

Officer SHIELDS said he heard Officer ALBERTS request a Canine Police Unit but was told they were from a distance.

There were four officers at the call and they set up a perimeter around the house they believed the male lived. Officer SHIELDS said he was on one side of the home. Officer ALBERTS was near the front door. Officer SHIELDS said Officer ROCHA was on the east side of the house. Officer ALBERTS knocked but got no answer. Officer SHIELDS could hear Officer ROCHA talking to an [REDACTED] female somewhere inside of the home. He could hear Officer ROCHA telling the female to go to the front door.

Officer SHIELDS said he was off to the side from Officer ALBERTS. Officer SHIELDS estimated he was ten feet from Officer ALBERTS at this time. Officer SHIELDS could hear the front door of the target house open and Officer ALBERTS yell, "Drop the knife, drop the knife." Officer SHIELDS said from his position he could not see the front door or the male as he came out. Officer SHIELDS could see Officer ALBERTS' backside. Officer SHIELDS heard Officer ALBERTS fire his handgun one time. Officer SHIELDS rushed over to assist and as he came around the front wall he could now see an Asian male slumped on the ground.

Officer SHIELDS said he assisted with first aid at the scene. Once medics arrived Officer SHIELDS said he rode in the ambulance with the Asian male to the hospital. Officer SHIELDS said while he was at the hospital he was advised by the staff that the Asian male had died. Another officer arrived at the hospital to standby for detectives. Officer SHIELDS was directed to go to Northwestern Division to standby to be interviewed.

Officer SHIELDS said he is currently assigned to Northwestern Division but he has never encountered this Asian male subject before tonight.

Reporting Detective David Spitzer I.D. 4665 Homicide Team: I  
Approved by: Sgt J.Saflar #5193 Date of this report: July 6<sup>th</sup>, 2015 Time: 1615 Hrs



**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE: (occurrence)** July 3, 2015  
**TIMES: (occurrence)** 2340 Hours  
**LOCATIONS:** 14692 Via Fiesta [REDACTED]  
**SUBJECT:** Officer Involved Shooting  
Case # 15-028434  
Special Investigation #15-028431  
Officer Michael Robert ALBERTS #4835

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**SUBJECT INTERVIEWED:** Officer Charles Marin

San Diego Police Department  
Northwestern Patrol Division  
12592 El Camino Real  
San Diego, Ca 92130  
[REDACTED]

**BACKGROUND:**

On July 03, 2015 at approximately 0032 hours I was off duty and at home when I received a call from Detective Sergeant Bruce PENDLETON. Sgt. PENDLETON advised me of an officer involved shooting having occurred at 14692 Via Fiesta [REDACTED] in San Diego. Sergeant PENDLETON told me Homicide Team One will be conducting the investigation and directed me to respond to assist in the investigation. The team consists of Sergeants PENDLETON and SAFLAR as well as Detectives Dave SPITZER, Bill MILES and Tim NORRIS. I assisted Team One in a relief detective capacity.

**INVESTIGATION:**

I arrived at the scene at 0115 hours. This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 15070003825.

At 0143 hrs, after all of the team had assembled we were briefed on the incident by Sgt. Gaylon SELLS # 4231. Sgt. SELLS told us that at about 2340 hours, SDPD Communications received a call of a 415, Violent at [REDACTED] Via Fiesta. The call was dispatched at 2340 hours and the first officers arrived on scene at 2353 Hours.

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Date of Report: 07-04-2015 Time: 0700

The officers were, Mike ALBERTS #4835, Jason ROCHA #5508, Charles MARIN #7261 and Bryan SHIELDS #7231. None of the officers are trained in the use of the Body Worn Camera (BWC).

The reporting party on this call was [REDACTED]. They reported that an unknown male was in front of the location in a brown Honda Civic acting aggressive and possibly 5150. [REDACTED] also reported that the male kicked her [REDACTED]. The male was throwing lit matches at other vehicles. They described the suspect as an Asian, male adult, 60-70 years old, short and thin, wearing unknown clothing and unknown weapons.

As officers were enroute at 2345 hrs, Officer ALBERTS sent a message to P-9 which said, "In the event it is the same guy, he attempted to grab my gun when I 417'd him on a possible knife call. It ended in a ground fight and him being tased".

When officers arrived on scene the suspect's vehicle was pointed out to them by [REDACTED]. Officer ALBERTS ran the plate and realized it was the same person he fought with on a previous call. That person's name was, Ton Ngoc NGUYEN, 1-16-55.

The officers went to the address listed on the vehicle registration, 14672 Via Fiesta [REDACTED]. Officer ALBERTS and Bryan SHIELDS went to the front door and knocked. After knocking on the door, the suspect, NGUYEN rushed out of the door towards Officer ALBERTS with a knife in his right hand. The suspect was within 7 feet of Officer ALBERTS. Officer ALBERTS attempted to back away from the suspect who picked up speed as he advanced on the officer. Officer ALBERTS drew his duty weapon and fired one round which struck NGUYEN in the upper torso. NGUYEN immediately fell to the ground. Officers secured the scene and began to administer first aid to NGUYEN. NGUYEN was transported to Scripps La Jolla where he was pronounced dead by Dr. James SCHWINDIG at 0044 hours.

Upon conclusion of the incident briefing Sergeant PENDLETON assigned me to assist with witness interviews. Initially I drove to San Diego Fire Station [REDACTED] and interviewed Medics Sean RICHMOND and Michael ROMAN, who transported Ton Ngoc Nguyen to Sharp La Jolla Hospital. I later drove to the Northwestern Patrol Station (SDPD) and interviewed Officer Charles MARIN who witnessed the incident listed above. I recorded the interviews with a digital recorder and later transferred it to compact disc. My documentation is not a verbatim transcript but captures the essence of what MARIN, RICHMOND and ROMAN told me. The recordings should be reviewed for the entire context of the conversations.

After interviewing MARIN, RICHMOND and ROMAN, I assisted Detective SPITZER with interviews of Ton NGUYEN's neighbors (see report by SPITZER for details).

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

Officer Charles MARIN basically told me the following.

**WITNESS STATEMENT:**

*In your own words, how were you involved with the scene? Just start from the beginning.*

Well, we got the radio call of an Asian male, possibly sixty or seventy. He kicked or threw something at another male. I was behind Mike Alberts. We came around to the residence because Mike had already spoken to the RP (Reporting Party). He (RP) said he could tell us where the car was that the Asian male was sitting in. We went out to the street and went to the car. The RP said, "That's the car of the guy." Mike had dispatch run the plate and it came back, um...we started talking about Mike Albert's history in the past with a male in this area with metal issues. He (Alberts) just wanted us to be alert of that. The plate came back and Mike said that was his guy, so we went to set up a perimeter.

We went to his apartment (Ton Ngoc Nguyen). Before we made contact, I went just south of the address down a little walkway to the back corner. I checked the garage to make sure it wasn't open. I checked the window and didn't see anyone inside the house. That's when Mike knocked on the door and made the announcement "San Diego PD. We just want to check the welfare and make sure everything is all right. At that time, nobody came to the door when he first knocked. I just kept the southwest perimeter corner to make sure no one decided to run out the back or through the window. Mike announced the gentleman's name, but I can't remember the name he said. He (Mike) said, "Hey, we just want to make sure everyone's all right."

At that time, I could hear the unlocking of the door. As soon as the door opened, all I could hear is Mike scream "drop the knife, drop the knife." He (Mike) said it at least two times, possibly three. After the last time he said, "drop the knife" I heard a gunshot so I ran up to where they were and saw the male was laying on the ground. I asked, "where's the knife?" They said he still had the knife underneath his stomach so we just held there until the [REDACTED] came out the door. I went inside the house and had the [REDACTED] sit on the couch. I did a quick search to make sure no one else is inside the house and I stayed with the [REDACTED]

*How far from your position on the corner, were you from the front door?*

Anywhere from ten to fifteen feet. I could still see them because they had backed away from the door when the knocked. I could see Shields (Officer Bryan Shields #7231). I couldn't see Rocha (Officer Jason Rocha #5508) and I could just barely see Mike (Officer Mike Alberts #4835).

Reporting Officer: Bill Kellner      I.D.: 5776      Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

*So it was just those three officers in front and you were standing on the corner?*

Yes. I was on the one corner. It was an apartment complex so he couldn't go...there is only two ways out, that way (front door) and my way.

*In your estimation, how much time between when you heard him (Alberts) say, "drop the knife and the shot?"*

It felt like a long time. I would say it had to be close to ten seconds. From when he said it from when I heard the pop. I realized that was a gunshot and knew I had to get up there and figure out what was going on.

*Did anyone come out of any of the houses that you know of?*

Nobody came out. We all tried to put it out over the air at the same time. That's when the three of us and Mike helped out with the guy who still had the knife underneath him. I knew we had to check inside. We were going to send two inside, but that's when the [REDACTED] came out. That's when I went inside. I said, "Watch her. I'm just going to check the house real quick.

*Was anybody else inside the house?*

No. Just the [REDACTED]

*What was her demeanor like?*

At first she was just shocked. She wasn't quite sure what happened. It wasn't really affecting her. She just kept saying, "My [REDACTED] has mental issues, he has mental issues." There was a little bit of a language issue. She spoke decent English, but I think she was still in shock. We didn't want to let her come out and see what happened. She wasn't sure what had transpired outside.

*Did she make any other statements? That's obviously important that she said her [REDACTED] had mental issues.*

She kept saying "He's not right in the head. He has problems inside his head. I don't know why he leaves the house. I tell him to stay inside the house because he does have these mental issues. He takes all sorts of medication and has a long list of medical issues.

*How did the house look?*

The house looked pretty neat. It didn't look like anyone was throwing stuff around.

*Did she say anything about what had happened tonight before you guys got there?*

She said the last she knew, he was in the living room and she went to sleep. She didn't know why we were there. She just kept asking why we were here and telling me he had mental issues.

*What did you do next? Did you do anything after dealing with his [REDACTED]*

I just asked her about what medication her took and she didn't know. I just took a brief statement from her. I just sat there with her because she was finally starting to break down.

*Did she say if there was anyone else who lived in the house that wasn't there during this incident? Anyone else we should talk to like [REDACTED]*

They have one [REDACTED] but I don't know the [REDACTED] name. They do have a [REDACTED] that lives in San Diego. She doesn't live at the residence, but there was only one room we couldn't clear because it was locked. I guess they still keep the [REDACTED] room.

*Is there anything else you think is note worthy?*

You could hear from my position how loud the announcement was of Mike saying, "Drop the knife."

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

**SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE**

☐ OFFICER'S REPORT ONLY

CONTINUED: ☐ ARR./JUV.CON.

FROM ☒ CRIME

☐ OTHER

INC# 15070003825

PAGE 1 OF 1 CASE NUMBER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

415 P.C.

MONTH

07

DAY

03

YEAR

2015

DAY OF WEEK

FRIDAY

TIME

0005

LOCATION OF INCIDENT (OR ADDRESS)

14680 VIA FIESTA

CITY

SAN DIEGO

BEAT

937

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER'S STATEMENT:

ON 07-03-15, OFFICER LARSON #6899 AND I RESPONDED TO 14680 VIA FIESTA FOR AN OFFICER INVOLVED IN A SHOOTING. UPON ARRIVAL, I WAS DIRECTED TO CHECK THE RESIDENCES FOR POSSIBLE WITNESSES.

I CHECKED UNIT [REDACTED] AND UNIT [REDACTED] AT [REDACTED] VIA FIESTA BUT THERE WAS NO ANSWER AT THE RESIDENCES.

I WAS ABLE TO OBTAIN A STATEMENT FROM [REDACTED] WHO LIVES AT [REDACTED] [REDACTED] STATED HE WAS ASLEEP AND HEARD A LOUD POP AND BELIEVED IT WAS A FIREWORK.

[REDACTED] STATED HE HEARD NOTHING ELSE BEFORE OR AFTER HE HEARD THE LOUD POP. [REDACTED] CONTACT NUMBER IS [REDACTED].

AFTER COLLECTING WITNESS STATEMENTS I WAS DIRECTED TO STAND POST ON THE EAST SIDEWALK OF 14692 VIA FIESTA. I STOOD POST UNTIL I WAS RELEASED.

REPORTING OFFICER

CONTRERAS

I.D. #

6891

DIVISION

NREY

APPROVED BY:

SGT. M. JANSEN

4489

DATE OF REPORT:

MONTH

07

DAY

03

YEAR

15

TIME

0245

☒ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

INC # 15070003825

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

PAGE

OF

CASE NUMBER

YEAR

DAY OF WEEK

TIME

CLERK SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

DAY

15

FRI

0005

LOCATION OF INCIDENT (OR ADDRESS)

CITY

BEAT

DISTRICT

14692 VIA FIESTA

SAN DIEGO

937

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER'S STATEMENT: I WAS ON-DUTY, IN FULL UNIFORM AND DRIVING A MARKED POLICE "SERGEANTS" VEHICLE. I WAS ASSIGNED TO NORTHERN DIVISION PATROL AND MONITORED A RADIO BROADCAST FROM OFFICER M. ALBERTS #4835. OFFICER ALBERTS ADVISED "SHOTS FIRED", WHILE AT A RADIO CALL ON 14692 VIA FIESTA. I IMMEDIATELY RESPONDED TO THE SCENE TO ASSIST FROM THE SOUTHERN PART OF CLAIREMONT.

I ARRIVED AT THE SCENE AT 0019 HOURS. I ENTERED THE AREA AND CONTACTED SGT. SELLS # . I BROUGHT OFFICER B. ORR # 7033 AND J. WHITE #6982 INTO THE RESIDENCE TO DO A SAFETY SWEEP OF THE INTERIOR. ON CONFIRMING THERE WERE NO OTHER UNACCOUNTED FOR PEOPLE INSIDE THE RESIDENCE I EXITED THE RESIDENCE.

I THEN COORDINATED SCENE SECURITY AND A PRELIMINARY WITNESS CHECK UTILIZING NORTHERN DIVISION PATROL OFFICERS. I REMAINED AT THE SCENE UNTIL RELIEVED AT 0600 HOURS.

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

MONTH

DAY

YEAR

TIME

TANSEY

4189

N-3

DATE OF REPORT:

07

03

15

0600

**SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE**

INCIDENT 15070003825

☒ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER \_\_\_\_\_

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH	DAY	YEAR	PAGE OF	CASE NUMBER	
OFFICER INVOLVED SHOOTING		07	02	15			
LOCATION OF INCIDENT (OR ADDRESS)		CITY			DAY OF WEEK	TIME	
14680 VIA FIESTA		SAN DIEGO			THU	2340	
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)		
		TON NGUYEN					

ON 07-02-15, AT 0005 HOURS, I RESPONDED TO 14600 VIA FIESTA WHEN OFFICER M. ALBERTS #4835 Aired THAT SHOTS HAD BEEN FIRED. I ARRIVED AT APPROXIMATELY 0014 HOURS.

WHEN I ARRIVED, I ADVISED OFFICER J. ROCHA #5508 TO PUT UP ADDITIONAL CRIME SCENE TAPE. I WALKED TO THE PORCH OF 14692 [REDACTED] VIA FIESTA, WHERE MEDICS WERE ATTENDING TO THE SUSPECT.

I TALKED TO OFFICER ALBERTS AND ASKED HIM SOME PUBLIC SAFETY QUESTIONS REGARDING THE SHOOTING. I ADVISED OFFICER B. SHIELDS #7231 TO RIDE IN THE AMBULANCE AS MEDICS TRANSPORTED THE SUSPECT TO THE HOSPITAL. I ALSO ARRANGED FOR OFFICER ALBERTS, ROCHA AND C. MARIN #7261 TO BE TRANSPORTED TO NORTHWESTERN DIVISION TO ULTIMATELY MEET UP WITH PEER SUPPORT OFFICERS, WHO I WAS ARRANGING TO MEET THE OFFICERS. I ALSO ARRANGED FOR OFFICER SHIELDS TO BE RELIEVED AT SCRIPPS LA JOLLA HOSPITAL AND TRANSPORTED TO NORTHWESTERN DIVISION.

WHILE AT THE SCENE, I CONDUCTED THE BRIEFING. SGT. M. TANSEY #4189 ASSISTED ME AT THE SCENE COORDINATING WITNESS CHECKS AND OVERALL SCENE MANAGEMENT. I LEFT THE SCENE AFTER 0600 HRS.

REPORTING OFFICER	I.D. #	DIVISION	APPROVED BY:	DATE OF REPORT:	MONTH	DAY	YEAR	TIME
G. SELLS	4231	NW3			07	03	15	0300



☒ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

INCIDENT 15070003825

SECTION AND DESCRIPTION (ONE INCIDENT ONLY)		MONTH	DAY	YEAR	PAGE OF	CASE NUMBER	
OFFICER INVOLVED SHOOTING		07	02	15			
LOCATION OF INCIDENT (OR ADDRESS)		CITY			BEAT		DISTRICT
14680 VIA FIESTA		SAN DIEGO			937		
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)		
		TON NGUYEN					

ON 07-02-15, AT 0005 HOURS, I RESPONDED TO 14600 VIA FIESTA WHEN OFFICER M. ALBERTS #4835 Aired THAT SHOTS HAD BEEN FIRED. I ARRIVED AT APPROXIMATELY 0014 HOURS.

WHEN I ARRIVED, I ADVISED OFFICER J. ROCHA #5508 TO PUT UP ADDITIONAL CRIME SCENE TAPE. I WALKED TO THE PORCH OF 14692 [REDACTED] VIA FIESTA, WHERE MEDICS WERE ATTENDING TO THE SUSPECT.

I TALKED TO OFFICER ALBERTS AND ASKED HIM SOME PUBLIC SAFETY QUESTIONS REGARDING THE SHOOTING. I ADVISED OFFICER B. SHIELDS #7231 TO RIDE IN THE AMBULANCE AS MEDICS TRANSPORTED THE SUSPECT TO THE HOSPITAL. I ALSO ARRANGED FOR OFFICER ALBERTS, ROCHA AND C. MARIN #7261 TO BE TRANSPORTED TO NORTHWESTERN DIVISION TO ULTIMATELY MEET UP WITH PEER SUPPORT OFFICERS, WHO I WAS ARRANGING TO MEET THE OFFICERS. I ALSO ARRANGED FOR OFFICER SHIELDS TO BE RELIEVED AT SCRIPPS LA JOLLA HOSPITAL AND TRANSPORTED TO NORTHWESTERN DIVISION.

WHILE AT THE SCENE, I CONDUCTED THE BRIEFING. SGT. M. TANSEY #4189 ASSISTED ME AT THE SCENE COORDINATING WITNESS CHECKS AND OVERALL SCENE MANAGEMENT. I LEFT THE SCENE AFTER 0600 HRS.

REPORTING OFFICER	I.D. #	DIVISION	APPROVED BY:	DATE OF REPORT:	MONTH	DAY	YEAR	TIME
G. SELLS	4231	NW3			07	03	15	0300

☒ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER

INC# 15070003825

PAGE 1 OF 2 CASE NUMBER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) MONTH 07 DAY 03 YEAR 15 DAY OF WEEK FRIDAY TIME 0053

LOCATION OF INCIDENT (OR ADDRESS) 14692 VIA FIESTA CITY SAN DIEGO BEAT 937 DISTRICT

PERSON(S) INVOLVED: VICTIM SUSPECT (IF NAMED) PROPERTY TAG NO. (S)

OFFICER'S STATEMENT:

ON 7-3-15, AT AROUND 0007 HOURS, I RESPONDED TO 14692 VIA FIESTA TO ASSIST OFFICERS WHO WERE ON A CALL WITH A POSSIBLE VIOLENT MALE. OFFICERS ON SCENE ADVISED SHOTS WERE FIRED AND THEY NEEDED ASSISTANCE. I ARRIVED AND CONDUCTED A WITNESS CHECK TO THE BUILDING. I CONTACTED WHO LIVES AT VIA FIESTA. I SPOKE WITH HER AND TOOK HER STATEMENT (SEE BELOW). I CONTACTED THE RESIDENCE AT VIA FIESTA. THEY STATED THEY JUST WOKE UP AND DIDN'T EVEN KNOW POLICE WERE OUTSIDE.

STATEMENT OF (WITNESS)

WAS IN HER BEDROOM IN THE UPSTAIRS UNIT. SHE WAS AWAKE AND IN HER BED. SHE HEARD ONE LOUD BANG THEN LOOKED OUTSIDE HER WINDOW. SAW POLICE OFFICERS WALKING TO THE. SAID THE ONLY THING SHE HEARD WAS AN OFFICER SAY THE WORD "SHOTGUN."

I TOOK OVER OFFICER ORR'S POSITION INSIDE THE RESIDENCE IN UNIT UNTIL I WAS RELIEVED AT 0530 HOURS.

REPORTING OFFICER SANDERS I.D. # 6611 DIVISION N-3 APPROVED BY: SGT. M. TANSEY 4/18 DATE OF REPORT: MONTH 07 DAY 03 YEAR 15 TIME 0530

**SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE**

☐ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER \_\_\_\_\_

INCIDENT # 15070003825

PAGE		CASE NUMBER	
OF			
CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)	MONTH JULY	DAY 3	YEAR 2015
LOCATION OF INCIDENT (OR ADDRESS) 14680 VIA FIESTA	CITY SAN DIEGO	DAY OF WEEK FRIDAY	TIME 0005
PERSON(S) INVOLVED: VICTIM	SUSPECT (IF NAMED)	BEAT 937	DISTRICT
		PROPERTY TAG NO. (S)	

ON 07-03-2015 @ 0018 HOURS, I RESPONDED TO A CALL FOR SHOTS FIRED AT 4680 VIA FIESTA. (INCIDENT # 15070003825).

UPON ARRIVAL, I CONTACTED SGT. SELLS # 4231 FOR FURTHER INSTRUCTIONS. SGT. SELLS DIRECTED ME TO REPORT TO SCRIPPS LA JOLLA HOSPITAL TO PICKUP AND TRANSPORT OFFICER SHIELDS-ROGSTAD # 7231, TO THE NORTHWESTERN SUBSTATION AT 12592 EL CAMINO REAL. I TRANSPORTED OFFICER SHIELDS-ROGSTAD AND DROPPED HIM OFF AT THE NORTHWESTERN SUBSTATION AT 0105 HOURS. AT 0118 HOURS, I ARRIVED BACK AT THE SCENE TO ASSIST OFFICER WHITE # 6982 WITH SCENE SECURITY USING THE COMPUTER IN MY PATROL CAR. I MADE A LIST OF EACH OFFICER THAT RESPONDED TO THE CALL AND TURNED THE LIST OVER TO OFFICER WHITE. I WAS RELEASED FROM THE SCENE BY SGT. SELLS AT 0300 HOURS.

REPORTING OFFICER B. RUBY	I.D. # 7143	DIVISION NW2	APPROVED BY: SGT. M. TANSEY	DATE OF REPORT: 07 03 15	MONTH 07	DAY 03	YEAR 15	TIME 0300
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**SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE**

☒ OFFICER'S REPORT ONLY  
 CONTINUED: ☐ ARR./JUV.CON.  
 FROM ☐ CRIME  
☐ OTHER

PAGE 1 OF 1		CASE NUMBER 15070003825	
MONTH 07	DAY 02	YEAR 2015	DAY OF WEEK THURS
TIME 2340		BEAT 937	DISTRICT

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

OFFICER INVOLVED SHOOTING

LOCATION OF INCIDENT (OR ADDRESS)

14692 VIA FIESTA

MONTH

07

DAY

02

YEAR

2015

DAY OF WEEK

THURS

TIME

2340

CITY

SAN DIEGO

BEAT

937

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

TON NGUYEN

PROPERTY TAG NO. (S)

OFFICER'S STATEMENT:

ON 07-03-15, AT APPROXIMATELY 0006 HOURS I WAS  
 DISPATCHED TO COVER IN AN OFFICER INVOLVED  
 SHOOTING LOCATED AT 14692 VIA FIESTA  
 UPON ARRIVAL, SERGEANT TANSEY #4189 INSTRUCTED  
 ME TO SECURE THE SCENE AND BE AT THE  
 NORTHWEST PERIMETER. I WAS ON PERIMETER  
 UNTIL 0445 HOURS, WHEN I WAS ADVISED BY SERGEANT  
 G. SELLS #4231 THAT I COULD LEAVE THE SCENE.

REPORTING OFFICER

I.D. #

DIVISION

APPROV

M. ROBERGE

7072 N/3

SGT

DATE OF  
REPORT:

MONTH

07

DAY

03

YEAR

2015

TIME

0445

**SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE**

INC #15070003825

☐ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☒ CRIME  
☐ OTHER \_\_\_\_\_

PAGE 1 OF 1 CASE NUMBER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) 415 P.C.		MONTH 07	DAY 03	YEAR 2015	DAY OF WEEK FRI	TIME 0059
LOCATION OF INCIDENT (OR ADDRESS) 14680 VIA FIESTA		CITY SAN DIEGO			BEAT 937	DISTRICT
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)	

ON 07-03-15, OFFICER J. CONTRERAS (#6891) AND I RESPONDED TO 14680 VIA FIESTA TO ASSIST ON A SHOTS FIRED CALL. WE ARRIVED ON SCENE A SHORT TIME LATER. I WAS DIRECTED BY SGT. TANSEY TO CONDUCT WITNESS CHECKS OF THE SURROUNDING RESIDENCES.

I CONDUCTED A WITNESS CHECK AT [REDACTED] VIA FIESTA [REDACTED] SAN DIEGO, CA 92127. I SPOKE WITH [REDACTED] AND TOOK HER STATEMENT. I TURNED ON MY DEPARTMENT ISSUED BODY WORN CAMERA. [REDACTED] ESSENTIALLY TOLD ME THAT HER AND HER [REDACTED] WERE ASLEEP IN THEIR RESIDENCE WHEN A LOUD NOISE THAT SOUNDED LIKE A SINGLE GUNSHOT WOKE THEM UP. SHE HEARD, "GET MEDIC" AND A WOMAN YELLING SHE COULDN'T MAKE OUT ANYTHING ELSE THAT WAS BEING SAID. SHE DID NOT HEAR ANYTHING BEFORE THE GUNSHOT.

I SPOKE WITH FOUR PEDESTRIANS STANDING IN THE STREET AND ON THE SIDEWALK IN THE AREA. THEY TOLD ME THAT THEY DID NOT SEE ANYTHING, ONLY HEARD A LOUD "BANG", THEN SAW POLICE CARS A SHORT TIME LATER. THE PEDESTRIANS STATED THEY LIVED SEVERAL BLOCKS WEST OF THE LOCATION AND DID NOT HEAR OR SEE ANYTHING ELSE.

REPORTING OFFICER R. LARSON	I.D. # 6899	DIVISION NBEI	APPROVED BY: SGT. M. TANSEY #4189	DATE OF REPORT:	MONTH 07	DAY 03	YEAR 15	TIME 0245
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☐ OFFICER'S REPORT ONLY

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

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OF

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2015

CASE NUMBER

15070003825

CASE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

07

DAY

03

DAY OF WEEK

FRI

TIME

0006

LOCATION OF INCIDENT (OR ADDRESS)

14680 VIA FIESTA

CITY

SAN DIEGO

BEAT

937

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

NGUYEN, TON NGOC

PROPERTY TAG NO. (S)

ON 07/03/2015, AT APPROXIMATELY 0006 HOURS I RESPONDED TO 14692 VIA FIESTA TO ASSIST WITH AN ASSAULT WITH A DEADLY WEAPON CALL. UPON ARRIVAL I TOOK THE STATEMENTS OF [REDACTED] VIA FIESTA AND [REDACTED] VIA FIESTA AND [REDACTED] STATEMENTS ARE PROVIDED BELOW.

[REDACTED] INFORMED ME HE WAS PLAYING VIDEO GAMES WHEN HE HEARD A LOUD BANG. HE SAID HE THOUGHT THE SOUND WAS A FIREWORK. (I DIDN'T THINK ANYTHING ABOUT IT. [REDACTED] BELIEVES THE BANG OCCURRED ABOUT 23<sup>23</sup> 45 HOURS ON 07/02/15.

I THEN TOOK THE STATEMENT OF [REDACTED] AND SHE TOLD ME SHE WOKE UP FROM A DEEP SLEEP TO A LOUD BANG. SHE THEN HEARD YELLING BUT COULD NOT MAKE OUT WHAT WAS BEING SAID. [REDACTED] SAID SHE BECAME SCARED AND TEXTED HER [REDACTED] THAT LIVES NEAR BY AND THEN WALKED OVER TO THEIR HOUSE.

I STOOD AT THE NORTH END OF THE CRIME SCENE AND MADE SURE NO UNAUTHORIZED PERSONNEL ENTERED THE CRIME SCENE. THIS CONCLUDED MY PORTION OF THE INVESTIGATION. I WAS RELEASED FROM THE SCENE AT 0615 HOURS.

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

481

MONTH

DAY

YEAR

TIME

FLORES, D.

7290

N3

SGT. M. TANSEY

DATE OF REPORT:

07

03

15

0545

ARJIS - 9 (REV. 9-84)



22037129

CONTINUED ☐

☐ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

15070003825

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

PAGE

OF

CASE NUMBER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

07

DAY

03

YEAR

15

DAY OF WEEK

FRI

TIME

0004

LOCATION OF INCIDENT (OR ADDRESS)

14692 VIA FIESTA

CITY

SAN DIEGO CA 92127

BEAT

937

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

NGUYEN, Ton Ngoc

PROPERTY TAG NO. (S)

OFFICERS STATEMENT:

ON 07.03.15 AT 0006 HRS OFFICER FLORES #7290 AND I RESPONDED TO 14692 VIA FIESTA REGARDING AN OFFICER INVOLVED SHOOTING. WHEN WE ARRIVED AT THE SCENE WE WERE DIRECTED BY SGT. TANSEY #4119 TO CONDUCT A WITNESS CHECK ON THE [REDACTED] WHILE MY PARTNER CONTACTED A PERSONS IN UNIT [REDACTED] I CONTACTED A [REDACTED] FEMALE IN UNIT [REDACTED] I IDENTIFIED THE FEMALE AS [REDACTED] I TOOK A BRIEF STATEMENT FROM [REDACTED]

STATEMENT OF [REDACTED] (WITNESS)

[REDACTED] ESSENTIALLY TOLD ME THE FOLLOWING. SHE WAS SLEEPING IN HER BED WHEN HER CATS BEGAN TO STIR AND WAKE HER UP. SHE THEN HEARD A FEMALE SCREAMING. A MOMENT LATER SHE HEARD A LOUD BANG. SHE THOUGHT IT MIGHT BE A GUN SHOT. A FEW MOMENTS LATER SHE HEARD SIRENS. [REDACTED] ASKED ME IF "SHE" WAS OK. SHE TOLD ME SHE KNOWS THERE IS A MENTALLY DISTURBED MAN AND HIS [REDACTED] WHO LIVE [REDACTED] AND SHE WAS CONCERNED HE MAY HAVE HUNT HER. I CONCLUDED MY INTERVIEW WITH [REDACTED] I SPENT THE REST OF MY TIME AT THE SCENE GUARDING THE NORTH PERIMETER.

REPORTING OFFICER

DOUGLAS

I.D. #

6107

DIVISION

N3

APPROVED BY:

SGT. M. TANSEY

4/15/15

DATE OF REPORT:

MONTH

07

DAY

03

YEAR

15

TIME

0545



☒ OFFICER'S REPORT ONLY

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

CONTINUED: ☐ ARR./JUV.CON.

FROM ☐ CRIME

☐ OTHER

I#15070003825

PAGE

1 OF 2

CASE NUMBER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

07

DAY

03

YEAR

15

DAY OF WEEK

THUR

TIME

0004

LOCATION OF INCIDENT (OR ADDRESS)

14600 VIA FIESTA

CITY

SAN DIEGO

BEAT

937

DISTRICT

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

PROPERTY TAG NO. (S)

OFFICER STATEMENT:

ON 07/03/2015 AT ABOUT 0004 HOURS, I HEARD A  
RADIO BROADCAST ON NORTHWESTERN DIVISION FREQUENCY. I RESPONDED  
FROM CARMEL MTN RD AND HIGHLAND RANCH RD IN CARMEL  
MOUNTAIN RANCH.

I ARRIVED ONSCENE AT 0015 HOURS. WHEN I  
ARRIVED I STOPPED MY POLICE CAR AT THE INTERSECTION OF  
VIA FIESTA AND VIA LANDINI. I STOPPED IN A POSITION TO  
BLOCK ANYONE FROM GOING SOUTH BOUND ON VIA FIESTA.  
I SAW A FIRE TRUCK STOPPED IN THE ROAD TO MY SOUTH, ALONG  
WITH A LINE OF ABOUT 4 POLICE VEHICLES IN THE NORTHBOUND  
LANE.

WHEN I EXITED MY CAR I WALKED UP TO  
OFFICER ALBERTS WHO WAS NEAR HIS POLICE VEHICLE. I ASKED  
HIM WHO WAS INVOLVED AND HE TOLD ME HE WAS THE ONLY  
SHOOTER. OFFICER ALBERTS TOLD ME HE WAS OK AND  
WANTED TO ASSIST IN SECURING THE SCENE.

I WENT TO THE SIDEWALK THAT LED UP TO  
THE RESIDENCE WHERE FIRE PERSONNEL WERE PERFORMING  
CPR ON A MALE BLEEDING FROM THE CHEST. I WALKED  
DOWN THE SIDEWALK NEXT TO THE RESIDENCE LOOKING FOR  
WITNESSES. I DID NOT SEE ANY. I NOTICED ONE OFFICER  
WITH FIRE PERSONNEL ON THE PORCH.

REPORTING OFFICER

G.R. JOSS

I.D. #

5195

DIVISION

T3

APPROVED BY:

SGT. M. TANSEY

DATE OF  
REPORT:

MONTH

07

DAY

03

YEAR

15

TIME

0245



SERGEANT SELLS WALKED UP AT THIS TIME. THAT WAS WHEN I NOTICED ONE OFFICER INSIDE THE RESIDENCE WITH A FEMALE. I FELT EVERYTHING WAS COVERED AND I WENT TO ASSIST OFFICER ALBERTS.

I STAYED WITH OFFICER ALBERTS UNTIL MEDIA STARTED TO ARRIVE. SERGEANT SELLS ASKED ME TO DRIVE HIM TO NORTHWESTERN SUBSTATION. OFFICER ALBERTS VEHICLE WAS THE FIRST VEHICLE PARKED ON IN THE NORTHBOUND LANE AND HE WAS NOT COMFORTABLE LEAVING IT HERE WITH HIS SWAT GEAR. ~~I BRO~~ I MOVED MY POLICE CAR TO THE SOUTHBOUND LANE AND SECURED IT. I DROVE OFFICER ALBERTS BACK TO NORTHWESTERN DIVISION WHERE HE WAS MET BY PEER-SUPPORT AT 0040 HOURS.

I WAS DRIVEN BACK TO THE SCENE TO GET MY VEHICLE BY BY OFFICER "MC" CZAS # 5916. WHEN I GOT BACK MY VEHICLE WAS NOW WITHIN AN INNER PERIMETER AND I STAYED TO PROVIDE SCENE SECURITY UNTIL I WAS RELIEVED AT 0300 HOURS.

☐ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

PAGE 1 OF 4 CASE NUMBER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) OFFICER INVOLVED SHOOTING	MONTH 7/3/15	DAY	YEAR	DAY OF WEEK	TIME
LOCATION OF INCIDENT (OR ADDRESS) 14600 VIA FIESTA	CITY			BEAT	DISTRICT
PERSON(S) INVOLVED: VICTIM	SUSPECT (IF NAMED)			PROPERTY TAG NO. (S)	

OFFICER'S NARRATIVE

ON 7/3/15 AT 0007 HOURS, I RESPONDED TO THE 14600 BLOCK OF VIA FIESTA FOR AN OFFICER INVOLVED SHOOTING. I WAS IN FULL POLICE UNIFORM AND DRIVING A MARKED SAN DIEGO POLICE PATROL VEHICLE.

UPON MY ARRIVAL AT THE SCENE, I WAS DIRECTED BY SGT. SELL TO LOCATE THE ORIGINAL REPORTING PARTY, MEET WITH THEM, AND TAKE THEIR STATEMENT.

I WALKED TO [REDACTED] VIA FIESTA [REDACTED] AND MET WITH [REDACTED]. I SPOKE TO THEM INDIVIDUALLY AND TOOK THEIR STATEMENTS.

STATEMENT OF [REDACTED] (WITNESS):

[REDACTED] ESSENTIALLY TOLD ME THE FOLLOWING:

MY [REDACTED] WAS THE ONE WHO CALLED IN. WE JUST GOT HOME AND WERE WALKING ACROSS VIA FIESTA BY THE OPEN GRASSY AREA. AS I WAS STEPPING UP ONTO THE OPPOSITE SIDE OF THE STREET, THERE WAS THIS OLD ASIAN GUY WHO CAME UP TO ME AND KICKED ME IN MY LEG. HE KICKED ME IN MY RIGHT LEG. HE GOT BACK LIKE HE WANTED TO FIGHT. HE PUT HIS HANDS UP IN FISTS. HE SEEMED LIKE MAYBE

REPORTING OFFICER JAN KOWSKI	I.D. # 6304	DIVISION N-3	APPROVED BY: SGT. M. TANSEY #4189	DATE OF REPORT:	MONTH 7	DAY 3	YEAR 15	TIME 0345
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ARJIS - 9 (REV. 9-84) 32027120 CONTINUED

HE WAS A LITTLE SLOW. HE WAS CLOSE TO ME. I THOUGHT HE WAS JUST OUT OF IT. HIS KICK CAUGHT ME OFF GUARD. HE KIND OF MUMBLED SOMETHING, BUT I DON'T KNOW WHAT IT WAS. I THOUGHT HE WAS TRYING TO FIGHT ME. MY [REDACTED] GRABBED ME AND SAID WE OUGHT TO LEAVE BECAUSE SOMETHING WASN'T RIGHT WITH HIM. WE WALKED BACK TO OUR HOUSE, GOT OUR DOGS, AND WALKED BACK OUT TO GET OUR CAR WHICH WE HAD PARKED OUT ON THE STREET. WHEN WE GOT BACK OUT THERE, WE SAW HE WAS SITTING IN THE CAR. HE WAS SITTING IN THE HONDA IN THE DRIVER SEAT. I WAS WORRIED MAYBE HE WOULD BE MORE OF A THREAT BEHIND THE WHEEL. THAT'S WHEN MY [REDACTED] CALLED THE POLICE. AS I WALKED TO GET MY CAR, HE FLICKED SOMETHING OUT THE WINDOW AT ME. I THOUGHT IT MIGHT BE A CIGARETTE. THERE WERE OTHER CARS DRIVING BY, AND HE THREW OTHER LITTLE THINGS AT THEM, TOO. I THOUGHT MAYBE THEY WERE MATCHES. WE GOT IN OUR CAR AND STARTED DRIVING AROUND THE AREA FOR ABOUT 10-15 MINUTES. WE WATCHED THE CAR FROM A DISTANCE. HE JUST KEPT DOING THE SAME THING. IT ALSO APPEARED LIKE MAYBE HE WAS DRINKING INSIDE OF THE CAR. SHORTLY AFTER, WE SAW THREE POLICE CARS DRIVE IN. I FLAGGED ONE OF THEM DOWN AND TOLD HIM WHAT HAPPENED AND SHOWED THEM WHERE THE CAR WAS, BUT THEY JUST MISSED THEM. THEY LOOKED INSIDE THE CAR AND RAN THE PLATES. AFTER THAT, MY [REDACTED] AND I JUST DROVE BACK TO OUR HOUSE.

I FINISHED TAKING [REDACTED] STATEMENT.

☐ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER

SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) OFFICER INVOLVED SHOOTING		MONTH 7	DAY 03	PAGE 3 OF 4 YEAR 15	CASE NUMBER	
LOCATION OF INCIDENT (OR ADDRESS) 14600 VIA FIESTA		CITY			DAY OF WEEK	TIME
PERSON(S) INVOLVED: VICTIM		SUSPECT (IF NAMED)			BEAT	DISTRICT
					PROPERTY TAG NO. (S)	

I SPOKE TO [REDACTED] AND TOOK HER STATEMENT.

STATEMENT OF [REDACTED] (WITNESS/REPORTING PARTY):  
[REDACTED] ESSENTIALLY TOLD ME THE FOLLOWING:

WE HAD JUST GOTTEN BACK FROM BUYING A NEW CAR. WE PARKED JUST UP THE STREET UP HERE PERPENDICULAR TO VIA FIESTA. AS WE WERE WALKING ACROSS THE STREET, WE SAW THIS GENTLEMAN GLARING AT US. IT WAS PECULIAR. HE WAS JUST PASSED US. HE TURNED AROUND, MADE A LOW GROWLING SOUND AS HE GLARED AT MY [REDACTED] AND THEN KICKED HIM WITH A SIDE KICK. AT FIRST I THOUGHT HE WAS ATTACKING MY [REDACTED] BUT THEN I STARTED TO THINK HE WAS MENTALLY UNSTABLE. MY [REDACTED] LOOKED AT HIM. I PULLED MY [REDACTED] AWAY AND SUGGESTED WE CALL THE POLICE. WHEN WE GOT HOME WE DECIDED TO GO BACK OUT AND CHECK ON HIM. WHEN WE WENT BACK OUT, WE DROVE BACK OUT. WE SAW HIM SITTING IN HIS CAR. HE WAS LIGHTING SOMETHING. IT LOOKED LIKE A BIGGER FLASH THAN A CIGARETTE. WE FELT UNSAFE. WE WERE WORRIED ABOUT HIM DRIVING. WE THOUGHT IT WAS IN THE BEST INTEREST OF EVERY ONE IF THE POLICE WERE CALLED. AT THE SAME TIME, THE CHURCH DOWN THE STREET WAS LETTING OUT AND PEOPLE WERE

REPORTING OFFICER JANKOWSKI	I.D. # 6304	DIVISION N3	APPROVED BY: SGT. M. TANSEY #4189	DATE OF REPORT:	MONTH 7	DAY 3	YEAR 15	TIME 0340
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DRIVING BY HIM. HE WAS THROWING OBJECTS AT THE CARS AS THEY PASSED. MY [REDACTED] THOUGHT MAYBE HE HAD BEEN DRINKING, BUT I DIDN'T SEE ANYTHING. WE STAYED A LITTLE WAY DOWN AND WATCHED HIM FOR 10-15 MINUTES. THE OFFICERS ARRIVED AND DROVE ONTO THE PROPERTY. WE MET THEM OUT BY OUR GARAGE. WE FOLLOWED THE OFFICERS OUT TO THE STREET, BUT HE WAS NO LONGER IN THE VEHICLE. THE OFFICERS LOOKED LIKE THEY WERE SEARCHING AROUND THE CAR, BUT I'M NOT SURE WHAT THEY DID AFTER THAT. THEY JUST TOLD US WE COULD GO HOME.

I FINISHED TAKING [REDACTED] STATEMENT AND WALKED BACK OUT TO THE SCENE. I FOUND A GRAY HONDA CIVIC WITH A CALIFORNIA LICENSE PLATE OF [REDACTED] PARKED AGAINST THE CURB IN THE 14600 BLOCK OF VIA RESTA. I SAW SEVERAL MATCHBOOK MATCHES WITH BURNT TIPS LYING ON THE GROUND ADJACENT TO THE DRIVER SIDE DOOR AREA. I SECURED THE AREA WITH CRIME SCENE TAPE AND ADVISED SGT. SELLS OF MY OBSERVATIONS. I WAS RELIEVED AT THE SCENE AT 0345 HOURS.

**SAN DIEGO REGIONAL  
OFFICER'S REPORT  
NARRATIVE**

☒ OFFICER'S REPORT ONLY  
CONTINUED: ☐ ARR./JUV.CON.  
FROM ☐ CRIME  
☐ OTHER

CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)

MONTH

DAY

PAGE

1 OF 2

CASE NUMBER

15070003825

DAY OF WEEK

THURS

TIME

2340

LOCATION OF INCIDENT (OR ADDRESS)

14692 VIA FIESTA

CITY

SAN DIEGO

BEAT

937

DISTRICT

NW

PERSON(S) INVOLVED: VICTIM

SUSPECT (IF NAMED)

NGUYEN, TON NGOC

PROPERTY TAG NO. (S)

ON 07/03/2015 I WAS IN FULL POLICE UNIFORM AND RIDING WITH OFFICER J. WHITE #6982 IN A MARKED SDPD PATROL VEHICLE. AT ABOUT 0006 HOURS, OFFICER WHITE AND I RESPONDED TO A SHOTS FIRED CALL AT 14680 VIA FIESTA. WE ARRIVED ON SCENE TO ASSIST OFFICERS AT ABOUT 0019 HOURS.

UPON OUR ARRIVAL, I ASSISTED OFFICERS ON SCENE BY CLEARING THE SUSPECT'S RESIDENCE AT 14692 VIA FIESTA ALONG WITH OFFICER WHITE. AFTER CLEARING THEIR RESIDENCE, I STOOD BY WITH THE SUSPECTS WHILE WITH SHE TOLD ME THE FOLLOWING:

STATEMENT OF

ESSENTIALLY TOLD ME THE FOLLOWING:

SHE STATED SHE

FIRST HEARD THE GUNSHOT WHILE SLEEPING IN HER BEDROOM.

SHE LAST SAW THE SUSPECT, TON NGUYEN, IN THE LIVING ROOM OF RESIDENCE BEFORE SHE WENT TO BED. AFTER SHE HEARD THE GUNSHOT, WENT TO THE FRONT DOOR TO SEE WHAT WAS GOING ON. WITNESSED HER LYING ON THEIR FRONT PORCH BEFORE OFFICERS ESCORTED HER BACK INSIDE HER HOME.

WHILE SPEAKING WITH SHE STATED NGUYEN WAS

MENTALLY ILL AND HEARD VOICES IN HIS HEAD. SHE STATED

REPORTING OFFICER

I.D. #

DIVISION

APPROVED BY:

MONTH

DAY

YEAR

TIME

B. ORR

7033

N/3

SGT M. TANSEY

DATE OF REPORT:

07

03

2015

0300



NGUYEN HAD TAKEN MEDICATION FOR THE PAST 20 YEARS,  
AND HAD STOPPED TAKING THE MEDICATION ABOUT 2 YEARS AGO.

[REDACTED] STATED THE MEDICATION MADE NGUYEN FEEL SICK  
AND HAVE TROUBLE SLEEPING.

DURING MY TIME WITH [REDACTED] SHE CONTINUOUSLY REPEATED THE  
INFORMATION ABOUT NGUYEN HEARING VOICES IN HIS HEAD.

AFTER SPEAKING WITH [REDACTED] I TRANSPORTED HER TO THE SDPD  
NORTHWESTERN STATION TO SPEAK WITH DETECTIVES. MY DEPARTMENT  
ISSUED BODY-WORN CAMERA WAS RECORDING WHILE SPEAKING WITH, AND  
TRANSPORTING [REDACTED]

- ☒ CASE ADDITIONS  
☐ CASE DELETIONS  
☐ CASE CHANGES

SAN DIEGO REGIONAL  
ADDITIONAL VICTIMS AND/OR WITNESSES  
AND/OR OTHER PEOPLE ASSOCIATED WITH THE CRIME

PAGE 1 OF 1	CASE NUMBER
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LOCATION OF INCIDENT (OR ADDRESS) 14680 VIA FIESTA				CITY SAN DIEGO				BEAT 937		DISTRICT			
V	SP	W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)				RESIDENCE ADDRESS		CITY		STATE	ZIP	
W	DC	RP	06				[REDACTED]		[REDACTED]		[REDACTED]		
RESIDENCE PHONE			RACE		SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	INTERPRETER REQUIRED	RELATION TO VICTIM	SUSPECT	RESIDENT SD COUNTY	
[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
STATUS			EMPLOYER (RANK IF MILITARY)				BUSINESS OR MILITARY ADDRESS		CITY	STATE	ZIP	DAYS OFF	WORK HOURS
BUSINESS PHONE			ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)				STATEMENT TAKEN		V/W ASSIST				
[REDACTED]			[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]
V	SP	W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)				RESIDENCE ADDRESS		CITY		STATE	ZIP	
W	DC	RP	[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]		
RESIDENCE PHONE			RACE		SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	INTERPRETER REQUIRED	RELATION TO VICTIM	SUSPECT	RESIDENT SD COUNTY	
[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
STATUS			EMPLOYER (RANK IF MILITARY)				BUSINESS OR MILITARY ADDRESS		CITY	STATE	ZIP	DAYS OFF	WORK HOURS
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[REDACTED]			[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]
V	SP	W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)				RESIDENCE ADDRESS		CITY		STATE	ZIP	
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[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
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[REDACTED]			[REDACTED]				[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]

WITNESS  
TYPE:

01 Arresting Officer  
06 Other Lay Witness  
12 Other Expert  
13 Investigator

RACE  
CODE  
LEGEND

A = OTHER ASIAN  
B = BLACK  
C = CHINESE

D = CAMBODIAN  
F = FILIPINO  
G = GUAMANIAN

H = HISPANIC  
I = INDIAN  
J = JAPANESE

K = KOREAN  
L = LAOTIAN  
O = OTHER

P = PACIFIC  
ISLANDER  
S = SAMOAN

U = HAWAIIAN  
V = VIETNAMESE  
W = WHITE

Z = ASIAN  
INDIAN

STATUS:

E - Employed  
U - Unemployed  
S - Student  
N - Non-Salaried Work

REPORTING OFFICER

R. LARSON

ID NUMBER

6877

CONTINUED



☐ A CASE ADDITIONS

☐ D CASE DELETIONS

☐ C CASE CHANGES

SAN DIEGO REGIONAL  
ADDITIONAL SUSPECT(S) REPORT

PAGE	CASE NUMBER
OF	

LOCATION OF INCIDENT (OR ADDRESS)				CITY				BEAT		DISTRICT		
ARRESTED	SUSPECT - (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
<input type="checkbox"/> Y <input type="checkbox"/> N												
SUSPECT'S ADDRESS				CITY	STATE	ZIP	PHONE		ID TYPE	ID NUMBER		
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)									SUSPECT'S CLOTHING			

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT
0 UNKNOWN 1 BALD 2 COLLAR 3 LONG 4 NECK 5 SHORT 6 SHOULDER 7 COARSE 8 FINE 9 THICK 10 THINNING 11 WIRY 12 OTHER:	0 UNKNOWN 1 AFRO/NAT. 2 BRAIDED 3 BUSHY 4 GREASY 5 MILITARY 6 PONYTAIL 7 PROCESSED 8 STRAIGHT 9 WAVY / CURLY 10 WIG 11 OTHER:	0 UNKNOWN 1 CLEAN SHAVE 2 FULL BEARD 3 FU MANCHU 4 GOATEE 5 LOWER LIP 6 MUSTACHE 7 NONE/FUZZ 8 SIDEBURNS 9 UNSHAVEN 10 VAN DYKE 11 OTHER:	0 UNKNOWN 1 ACNE 2 DARK 3 FRECKLED 4 LIGHT 5 MEDIUM 6 PALE 7 POKED 8 RUDDY 9 SALLOW 10 TANNED 11 OTHER:	0 UNKNOWN 1 CASUAL 2 DIRTY 3 DISGUISE 4 FLASHY 5 GOOD-LOOKING 6 MILITARY 7 UNKEMPT 8 UNUSUAL ODOR 9 WELL GROOMED 10 OTHER:	0 UNKNOWN 1 ANGRY 2 APOLOGETIC 3 CALM 4 DISORGANIZED 5 IRRATIONAL 6 NERVOUS 7 POLITE 8 PROFESSIONAL 9 STUPOR 10 VIOLENT 11 OTHER:	0 UNKNOWN 1 ACCENT 2 LISPS 3 MUMBLES 4 OFFENSIVE 5 QUIET 6 RAPID 7 SLOW 8 STUTTERS 9 TALKATIVE 10 OTHER:	0 UNKNOWN 1 DISGUISED 2 HIGH PITCH 3 LOUD 4 LOW PITCH 5 MEDIUM 6 MONOTONE 7 NASAL 8 PLEASANT 9 RASPY 10 SOFT 11 OTHER:

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<input type="checkbox"/> Y <input type="checkbox"/> N												
SUSPECT'S ADDRESS				CITY	STATE	ZIP	PHONE		ID TYPE	ID NUMBER		
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SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT
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REPORTING OFFICER	ID NUMBER



- ☐ A CASE ADDITIONS  
☐ D CASE DELETIONS  
☐ C CASE CHANGES

SAN DIEGO REGIONAL  
ADDITIONAL VICTIMS AND/OR WITNESSES  
AND/OR OTHER PEOPLE ASSOCIATED WITH THE CRIME

INC # 15070003825

PAGE	CASE NUMBER
1 OF 1	

LOCATION OF INCIDENT (OR ADDRESS)		CITY		BEAT		DISTRICT	
4692 VIA FIESTA		SAN DIEGO		937			
V	SP W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)		RESIDENCE ADDRESS		CITY STATE ZIP	
W	DC RP	[REDACTED]		[REDACTED]		[REDACTED]	
RESIDENCE PHONE		RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	INTERPRETER REQUIRED
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
STATUS EMPLOYER (RANK IF MILITARY)		BUSINESS OR MILITARY ADDRESS		CITY STATE ZIP		DAYS OFF WORK HOURS	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)				STATEMENT TAKEN	
[REDACTED]		[REDACTED]				[REDACTED]	
V	SP W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)		RESIDENCE ADDRESS		CITY STATE ZIP	
W	DC RP	[REDACTED]		[REDACTED]		[REDACTED]	
RESIDENCE PHONE		RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	INTERPRETER REQUIRED
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
STATUS EMPLOYER (RANK IF MILITARY)		BUSINESS OR MILITARY ADDRESS		CITY STATE ZIP		DAYS OFF WORK HOURS	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)				STATEMENT TAKEN	
[REDACTED]		[REDACTED]				[REDACTED]	
V	SP W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)		RESIDENCE ADDRESS		CITY STATE ZIP	
W	DC RP	[REDACTED]		[REDACTED]		[REDACTED]	
RESIDENCE PHONE		RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	INTERPRETER REQUIRED
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)				STATEMENT TAKEN	
[REDACTED]		[REDACTED]				[REDACTED]	
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[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)				STATEMENT TAKEN	
[REDACTED]		[REDACTED]				[REDACTED]	

WITNESS TYPE:	01 Arresting Officer 06 Other Lay Witness 12 Other Expert 13 Investigator	RACE CODE LEGEND	A = OTHER ASIAN B = BLACK C = CHINESE	D = CAMBODIAN F = FILIPINO G = GUAMANIAN	H = HISPANIC I = INDIAN J = JAPANESE	K = KOREAN L = LAOTIAN O = OTHER	P = PACIFIC ISLANDER S = SAMOAN	U = HAWAIIAN V = VIETNAMESE W = WHITE	Z = ASIAN INDIAN	STATUS:	E - Employed U - Unemployed S - Student N - Non-Salaried Work
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REPORTING OFFICER	ID NUMBER
CONTRERAS	6891

- ☐ A CASE ADDITIONS  
☐ D CASE DELETIONS  
☐ C CASE CHANGES

SAN DIEGO REGIONAL  
ADDITIONAL SUSPECT(S) REPORT

PAGE	CASE NUMBER
OF	

LOCATION OF INCIDENT (OR ADDRESS)				CITY				BEAT				DISTRICT															
ARRESTED SUSPECT - (LAST, FIRST, MIDDLE)				RACE		SEX		AGE		DOB		HT.		WT.		BUILD		HAIR COLOR		EYE COLOR							
<input type="checkbox"/> Y <input type="checkbox"/> N																											
SUSPECT'S ADDRESS				CITY				STATE				ZIP				PHONE				ID TYPE				ID NUMBER			
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)																SUSPECT'S CLOTHING											
HAIR LGTH/TYPE		HAIR STYLE		FACIAL HAIR		COMPLEXION		GENERAL APPEARANCE		DEMEANOR		SPEECH		VOICE													
SUSPECT		SUSPECT		SUSPECT		SUSPECT		SUSPECT		SUSPECT		SUSPECT		SUSPECT													
[0] UNKNOWN [1] BALD [2] COLLAR [3] LONG [4] NECK [5] SHORT [6] SHOULDER [7] COARSE [8] FINE [9] THICK [10] THINNING [11] WIRY [12] OTHER:		[0] UNKNOWN [1] AFRO/NAT. [2] BRAIDED [3] BUSHY [4] GREASY [5] MILITARY [6] PONYTAIL [7] PROCESSED [8] STRAIGHT [9] WAVY / CURLY [10] WIG [11] OTHER:		[0] UNKNOWN [1] CLEAN SHAVE [2] FULL BEARD [3] FU MANCHU [4] GOATEE [5] LOWER LIP [6] MUSTACHE [7] NONE/FUZZ [8] SIDEBURNS [9] UNSHAVEN [10] VAN DYKE [11] OTHER:		[0] UNKNOWN [1] ACNE [2] DARK [3] FRECKLED [4] LIGHT [5] MEDIUM [6] PALE [7] POCKED [8] RUDDY [9] SALLOW [10] TANNED [11] OTHER:		[0] UNKNOWN [1] CASUAL [2] DIRTY [3] DISGUISE [4] FLASHY [5] GOOD-LOOKING [6] MILITARY [7] UNKEMPT [8] UNUSUAL ODOR [9] WELL GROOMED [10] OTHER:		[0] UNKNOWN [1] ANGRY [2] APOLOGETIC [3] CALM [4] DISORGANIZED [5] IRRATIONAL [6] NERVOUS [7] POLITE [8] PROFESSIONAL [9] STUPOR [10] VIOLENT [11] OTHER:		[0] UNKNOWN [1] ACCENT [2] LISPS [3] MUMBLES [4] OFFENSIVE [5] QUIET [6] RAPID [7] SLOW [8] STUTTERS [9] TALKATIVE [10] OTHER:		[0] UNKNOWN [1] DISGUISED [2] HIGH PITCH [3] LOUD [4] LOW PITCH [5] MEDIUM [6] MONOTONE [7] NASAL [8] PLEASANT [9] RASPY [10] SOFT [11] OTHER:													
ARRESTED SUSPECT - (LAST, FIRST, MIDDLE)				RACE		SEX		AGE		DOB		HT.		WT.		BUILD		HAIR COLOR		EYE COLOR							
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REPORTING OFFICER	ID NUMBER
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- ☐ A CASE ADDITIONS  
☐ D CASE DELETIONS  
☐ C CASE CHANGES

San Diego Regional  
ADDITIONAL VICTIMS AND/OR WITNESSES  
AND/OR OTHER PEOPLE ASSOCIATED WITH THE CRIME

INC# 15070003825

PAGE 1 OF 2	CASE NUMBER
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LOCATION OF INCIDENT (OR ADDRESS) 14692 VIA Gesta		CITY SAN DIEGO		BEAT 937	DISTRICT
V SP DC RP 06	W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)		RESIDENCE ADDRESS	
RESIDENCE PHONE		RACE	SEX	DATE OF BIRTH	ID TYPE ID NUMBER
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)		INTERPRETER REQUIRED <input checked="" type="checkbox"/>	RELATION TO VICTIM R A S F R A S F
STATUS		EMPLOYER (RANK IF MILITARY)	BUSINESS OR MILITARY ADDRESS	CITY	STATE ZIP
BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)		STATEMENT TAKEN <input checked="" type="checkbox"/>	V/W ASSIST <input checked="" type="checkbox"/>
V SP DC RP	W-TYPE	VICTIM'S NAME (LAST, FIRST, MIDDLE/OR ORGANIZATION)		RESIDENCE ADDRESS	
RESIDENCE PHONE		RACE	SEX	DATE OF BIRTH	ID TYPE ID NUMBER
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BUSINESS PHONE		ADDITIONAL INFORMATION (VICTIM VEHICLE INFORMATION, IF APPLICABLE)		STATEMENT TAKEN <input checked="" type="checkbox"/>	V/W ASSIST <input checked="" type="checkbox"/>

WITNESS TYPE: 01 Arresting Officer 06 Other Lay Witness 12 Other Expert 13 Investigator	RACE CODE LEGEND A = OTHER ASIAN B = BLACK C = CHINESE D = CAMBODIAN F = FILIPINO G = GUAMANIAN H = HISPANIC I = INDIAN J = JAPANESE K = KOREAN L = LAOTIAN O = OTHER P = PACIFIC ISLANDER S = SAMOAN U = HAWAIIAN V = VIETNAMESE W = WHITE Z = ASIAN INDIAN	STATUS: E - Employed U - Unemployed S - Student N - Non-Salaried Work
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REPORTING OFFICER SANDERS	ID NUMBER 6611
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- ☐ A CASE ADDITIONS  
☐ D CASE DELETIONS  
☐ C CASE CHANGES

SAN DIEGO REGIONAL  
ADDITIONAL SUSPECT(S) REPORT

PAGE	CASE NUMBER
OF	

LOCATION OF INCIDENT (OR ADDRESS)

CITY

BEAT

DISTRICT

ARRESTED	SUSPECT - (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
<input type="checkbox"/> Y <input type="checkbox"/> N										

SUSPECT'S ADDRESS	CITY	STATE	ZIP	PHONE	ID TYPE	ID NUMBER

ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)	SUSPECT'S CLOTHING

HAIR LGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE
SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT	SUSPECT
0 UNKNOWN 1 BALD 2 COLLAR 3 LONG 4 NECK 5 SHORT 6 SHOULDER 7 COARSE 8 FINE 9 THICK 10 THINNING 11 WIRY 12 OTHER:	0 UNKNOWN 1 AFRO/NAT. 2 BRAIDED 3 BUSHY 4 GREASY 5 MILITARY 6 PONYTAIL 7 PROCESSED 8 STRAIGHT 9 WAVY / CURLY 10 WIG 11 OTHER:	0 UNKNOWN 1 CLEAN SHAVE 2 FULL BEARD 3 FU MANCHU 4 GOATEE 5 LOWER LIP 6 MUSTACHE 7 NONE/FUZZ 8 SIDEBURNS 9 UNSHAVEN 10 VAN DYKE 11 OTHER:	0 UNKNOWN 1 ACNE 2 DARK 3 FRECKLED 4 LIGHT 5 MEDIUM 6 PALE 7 POKED 8 RUDDY 9 SALLOW 10 TANNED 11 OTHER:	0 UNKNOWN 1 CASUAL 2 DIRTY 3 DISGUISE 4 FLASHY 5 GOOD-LOOKING 6 MILITARY 7 UNKEMPT 8 UNUSUAL ODOR 9 WELL GROOMED 10 OTHER:	0 UNKNOWN 1 ANGRY 2 APOLOGETIC 3 CALM 4 DISORGANIZED 5 IRRATIONAL 6 NERVOUS 7 POLITE 8 PROFESSIONAL 9 STUPOR 10 VIOLENT 11 OTHER:	0 UNKNOWN 1 ACCENT 2 LISPS 3 MUMBLES 4 OFFENSIVE 5 QUIET 6 RAPID 7 SLOW 8 STUTTERS 9 TALKATIVE 10 OTHER:	0 UNKNOWN 1 DISGUISED 2 HIGH PITCH 3 LOUD 4 LOW PITCH 5 MEDIUM 6 MONOTONE 7 NASAL 8 PLEASANT 9 RASPY 10 SOFT 11 OTHER:

ARRESTED	SUSPECT - (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	DOB	HT.	WT.	BUILD	HAIR COLOR	EYE COLOR
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REPORTING OFFICER

ID NUMBER



**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)

**TIME (occurrence):** 0005 Hours

**LOCATION:** 14692 Via Fiesta [REDACTED] Bcat 937

**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to [REDACTED] Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

At the conclusion of the briefing Sgt PENDLETON directed me to conduct a witness check in the surrounding area of the incident. I was conducting this witness check with Detective William KELLNER. We concentrated on the homes [REDACTED] We began the witness check at 0436 and stopped at 0515 hours.

Address	Comments
[REDACTED]	(Statement not recorded)
[REDACTED]	[REDACTED] was awake and playing video games at about midnight. He heard the sound of a possible gunshot. [REDACTED] was into his video game and didn't stop to investigate. He didn't know anything happened until the police cars started arriving and he could hear the sirens. He had no further information.
[REDACTED]	[REDACTED]

## Investigator's Report

Witness:

Case #15-009388; #15-009385

Page 2

[REDACTED]	No Answer at the door. [REDACTED]
[REDACTED]	(Statement recorded)
	I took a detailed statement from her. <u>See supplemental report</u> with [REDACTED] interview.
	Her home is located next to [REDACTED]
[REDACTED]	No Answer at the door.
[REDACTED]	(Statement recorded)
	I took a detailed statement from them. <u>See supplemental report</u> with their interviews.
	[REDACTED]
[REDACTED]	No Answer at the door. [REDACTED]
	[REDACTED]

Reporting Detective David SpitzerI.D. 4665Homicide Team: IApproved by: Sgt J.Saflar #5193Date of this report: July 6<sup>th</sup>, 2015Time: 1655

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta [REDACTED] Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**SUBJECT INTERVIEWED:**



**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to [REDACTED] Via Fiestta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to locate and interview the two reporting parties. [REDACTED] I walked to [REDACTED] and met with the [REDACTED] inside of their home. I took their statements one at a time while we sat in the dining room area. I recorded the interviews on digital audio. The following is a synopsis of their statements. For complete details refer to the audio recording.



Investigator's Report

Witness: [REDACTED]

Case #15-009388; #15-009385

Page 2

At 0235 hrs I began my interview with [REDACTED]

STATEMENT OF [REDACTED]

[REDACTED] and his [REDACTED] live at [REDACTED]. Today [REDACTED] bought a new car and drove it home and parked in on the main street, Via Fiesta.

After they parked and locked their car, they began to walk towards their home. They were approaching an older Asian male who was standing on the sidewalk. [REDACTED] said the Asian male turned towards him and came close to him as they walked by. Without warning the Asian male kicked [REDACTED] leg. The kick was unexpected painful but did not leave any injuries.

[REDACTED] said he squared off on the Asian male because he thought the male wanted to fight him. His [REDACTED] said he looked unstable and they should just get away from him. [REDACTED] decided to just forget about it because the male might just be a confused old man.

Investigator's Report

Witness: [REDACTED]

Case #15-009388; #15-009385

Page 3

They walked home and talked about it. [REDACTED] decided he didn't want to leave his new car on the street and would rather park it in their garage. [REDACTED] took their dog and walked back out to Via Fiesta to get the car. At this point [REDACTED] could see the Asian male was now sitting in a vehicle directly across the street from their new car. [REDACTED] had [REDACTED] walk with the dog up the street. As [REDACTED] got into his car and started it up he could see the Asian male was leaning back in the front seat of his car, possibly drinking something.

As the male saw [REDACTED] he flicked something on fire at him. [REDACTED] thought it might be a lit cigarette or something. As several cars past the Asian male on the street, the Asian male flicked something on fire at the cars. [REDACTED] thought it might be the Asian male was lighting matches.

They decided to call the police right then to have them check this guys welfare. [REDACTED] said it took about 15 minutes for the officers to arrive at the scene. [REDACTED] said before the police arrived the Asian male left his car and walked away.

At this point the police arrived and drove into the condo complex. [REDACTED] flagged the officer down and he led them back to where the male's car had been parked at.

[REDACTED] said he and his [REDACTED] were parking their car back at their house when they heard the sounds of what might have been gunshots. [REDACTED] said it sounded like firecrackers. He thought he heard up to four shots.

[REDACTED] said he and his [REDACTED] were nowhere near the scene of the shooting and didn't see it happen.

[REDACTED] said he does not know the Asian male, never encountered him before and had no information about him.

[REDACTED] said where the Asian male kicked him he does not have any visible injury. It only hurt for a little while. He never desired any time of crime report. His only concern was that this male needed to be checked the police to see what was going on with him.

Reporting Detective David Spitzer

I.D. 4665

Homicide Team: I

Approved by: Sgt J.Saflar #5193

Date of this report: July 6<sup>th</sup>, 2015

Time: 1450 Hrs

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta ■■■ Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**SUBJECT INTERVIEWED:**



**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to ■■■ Via Fiestta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to locate and interview the two reporting parties. ■■■ I walked to ■■■ and met with the ■■■ inside of their home. I took their statements one at a time while we sat in the dining room area. I recorded the interviews on digital audio. The following is a synopsis of their statements. For complete details refer to the audio recording.

Investigator's Report

Witness: [REDACTED]

Case #15-009388; #15-009385

Page 2



At 0223 hrs I began my interview with [REDACTED]

**STATEMENT OF** [REDACTED]

[REDACTED] live at [REDACTED]

Today [REDACTED] bought a new car and drove it home and parked in on the main street, Via Fiesta. The vehicle is a Nissan Rogue. As they exited the car they walked across the street and headed towards their home. They crossed paths with an elderly Asian male on the sidewalk on Via Fiesta. [REDACTED] said the male was acting "weird".

As they walked past the Asian male, the male kicked her [REDACTED] in the leg. The kick was unprovoked and unexpected. [REDACTED] thought the male looked mentally unstable and pulled her [REDACTED] away to avoid any further conflict. [REDACTED] thought about calling the police to check on him but didn't at this point.

Investigator's Report

Witness: [REDACTED]

Case #15-009388; #15-009385

Page 3

[REDACTED] returned home and came back out a few minutes later. As they made their way out to the street they saw the same Asian male. The Asian male was now sitting in a car on Via Fiesta. It looked like the Asian male was lighting something. She was not sure what it was.

[REDACTED] got into their car and drove up the street. At this time they saw the male throwing something on fire towards passing cars. They decided to call the police at this point to check on the male.

The police arrived a short time later but drove past the area where the male had been. [REDACTED] and [REDACTED] drove after the police and flagged them down. They explained to them what the Asian male had done and they led the officers back to where his car was parked.

[REDACTED] drove back to their home and parked. At this point they heard a possible gunshot. [REDACTED] said she did not see the shooting. She did not see what lead up to the shooting. A short time later [REDACTED] could hear other police officers arriving in the area.

[REDACTED] said she does not know the Asian male. She does not think she has ever met him before today. She knows an Asian male lives in the front of the complex but does not know if it's the same guy.

[REDACTED] said she is not even sure if she could recognize the Asian male if she saw him again.

Reporting Detective David Spitzer

I.D. 4665

Homicide Team: I

Approved by: Sgt J.Saflar #5193

Date of this report: July 6<sup>th</sup>, 2015

Time: 1100 Hrs

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta ■ Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

---

**SUBJECT INTERVIEWED:**



**SYNOPSIS:**

On July 3, 2015 at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to ■ Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to conduct a witness check in the surrounding area of the incident. I was conducting this witness check with Detective William KELLNER. We walked to ■ and met with ■ said she did not see the shooting but heard it from her bedroom. ■

I took ■ statement and recorded the interview on digital audio. The following is a synopsis of her statements. For complete details refer to the audio recording.

At 0443 hrs I began my interview with ■

Investigator's Report

Witness: [REDACTED]

Case #15-009388; #15-009385

Page 2

STATEMENT OF [REDACTED]

[REDACTED] said she lives alone with her cats on the [REDACTED]. She was asleep in her bedroom about midnight when she could hear noises coming in her bedroom window. [REDACTED] said her cats were disturbed by the noises coming from outside. [REDACTED] said she heard a female's voice scream. Then she heard the sound of a single gunshot.

[REDACTED] said she believed the police were outside. She could hear the sounds of the police walkie talkies. [REDACTED] heard lots of activity coming from the [REDACTED]. [REDACTED] said she heard someone say, "Gun shot, Gun shot. Oh my god, check her pulse. The knife is here". [REDACTED] said she could not see anything. She could only hear what was going on.

[REDACTED] said she knows her [REDACTED] is a little Asian man. She has been told by neighbors that he is possibly bi-polar.

[REDACTED] said she knows of a previous incident in the past where the Asian male had beaten his [REDACTED]. She said she believes he wasn't taking his medication at the time.

[REDACTED] said she has no firsthand knowledge that the Asian male has mental issues, just what she's heard from neighbors.

[REDACTED] said several times in the past the Asian male has spoken to her and asked, "What planet are you from?". [REDACTED] thought he was only joking at first. But he kept asking the question. It made her a little suspicious about him.

[REDACTED] said she has spoken to the male and his [REDACTED] in the past several times. They are generally quiet people. When she heard the woman scream tonight her first thought was that the Asian male might be beating his [REDACTED] again.

Reporting Detective David Spitzer

I.D. 4665

Homicide Team: I

Approved by: Sgt Saflar #5193

Date of this report: July 6<sup>th</sup>, 2015

Time: 1645 hours

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE (occurrence):** July 3<sup>rd</sup>, 2015 (Friday)  
**TIME (occurrence):** 0005 Hours  
**LOCATION:** 14692 Via Fiesta [REDACTED] Beat 937  
**SUBJECT:** OIS/Special Investigation – SDPD Case #15-028431  
245(a)(1) PC, ADW – SDPD Case #15-028434  
Incident: #15070003825  
Officer: ALBERTS, Michael #4835  
Suspect: NGUYEN, Ton Ngoc DOB: 01/16/1955

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**SUBJECTS**  
**INTERVIEWED:**



**SYNOPSIS:**

On July 3, 2015, at about 0030 hours, I received a telephone call from Sgt Bruce PENDLETON #4706 directing me to respond to [REDACTED] Via Fiesta to investigate an Officer Involved Shooting. I drove to the scene and arrived at about 0120 hours. I met with Homicide Team 1 which included Sgt. John SAFLAR, Sgt Bruce PENDLETON #4706 and detectives Tim NORRIS #3979, Bill MILES #5473 and Bill KELLNER #5776. Crime Scene Specialist Ally SOUTHERLAND and Criminalist Brian BURRITT also responded to the call.

This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 150070003825.

At 0143 hrs, we were briefed on the incident by Sgt. Gaylon SELLS # 4231. The briefing ended at 0209 hrs.

At the conclusion of the briefing Sgt PENDLETON directed me to conduct a witness check in the surrounding area of the incident. I was conducting this witness check with Detective William KELLNER. We walked to [REDACTED] and met with [REDACTED]

As we knocked on the their door [REDACTED] stepped out first. I simply asked if she had witnessed the incident and she began to give her statement. I quickly turned on my digital recorder. A moment later



Investigator's Report

Witness: [REDACTED]

Case #15-009388; #15-009385

Page 2

[REDACTED] stepped outside and joined our conversation. The following is a synopsis of their statements. For complete details refer to the audio recording.

STATEMENT OF [REDACTED]

[REDACTED] said she was in her bed at the time of the incident. She heard the sound of a gunshot. She stayed in bed for a few minutes and did not look outside until she saw the flashing lights of more police cars arriving at the location.

[REDACTED] said at the time she heard the gunshot she heard someone shout, "Shotgun". She does not know who said it or why but it was a male's voice.

STATEMENT OF [REDACTED]

[REDACTED] said he did not hear or see the shooting incident. When asked if he knew the Asian male who [REDACTED] stated, "He's very strange." [REDACTED] said NGUYEN is normally very quiet. He remembered NGUYEN had a fight last year with his [REDACTED] and was heard yelling real loud. [REDACTED] said he thought the police were called out for that.

Reporting Detective David Spitzer

I.D. 4665

Homicide Team: I

Approved by: Sgt J.Saflar #5193

Date of this report: July 7<sup>th</sup>, 2015

Time: 1130 hrs

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE: (occurrence)** July 3, 2015  
**TIMES: (occurrence)** 2340 Hours  
**LOCATIONS:** 14692 Via Fiesta [REDACTED]  
**SUBJECT:** Officer Involved Shooting  
Case # 15-028434  
Special Investigation #15-028431  
Officer Michael Robert ALBERTS #4835

---

**SUBJECT INTERVIEWED:** Sean Richmond  
Fire Fighter-Paramedic/San Diego Fire Department  
[REDACTED]

**BACKGROUND:**

On July 03, 2015 at approximately 0032 hours I was off duty and at home when I received a call from Detective Sergeant Bruce PENDLETON. Sgt. PENDLETON advised me of an officer involved shooting having occurred at 14692 Via Fiesta [REDACTED] in San Diego. Sergeant PENDLETON told me Homicide Team One will be conducting the investigation and directed me to respond to assist in the investigation. The team consists of Sergeants PENDLETON and SAFLAR as well as Detectives Dave SPITZER, Bill MILES and Tim NORRIS. I assisted Team One in a relief detective capacity.

**INVESTIGATION:**

I arrived at the scene at 0115 hours. This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 15070003825.

At 0143 hrs, after all of the team had assembled we were briefed on the incident by Sgt. Gaylon SELLS # 4231. Sgt. SELLS told us that at about 2340 hours, SDPD Communications received a call of a 415, Violent at [REDACTED] Via Fiesta. The call was dispatched at 2340 hours and the first officers arrived on scene at 2353 Hours.

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Date of Report: 07-04-2015 Time: 0700

The officers were, Mike ALBERTS #4835, Jason ROCHA #5508, Charles MARIN #7261 and Bryan SHIELDS #7231. None of the officers are trained in the use of the Body Worn Camera (BWC).

The reporting party on this call was [REDACTED]. They reported that an unknown male was in front of the location in a brown, Honda, Civic acting aggressive and possibly 5'10". [REDACTED] also reported that the male kicked her [REDACTED]. The male was throwing lit matches at other vehicles. They described the suspect as an Asian, male adult, 60-70 years old, short and thin, wearing unknown clothing and unknown weapons.

As officers were enroute at 2345 hrs, Officer ALBERTS sent a message to P-9 which said, "In the event it is the same guy, he attempted to grab my gun when I 417'd him on a possible knife call. It ended in a ground fight and him being tased".

When officers arrived on scene the suspect's vehicle was pointed out to them by [REDACTED]. Officer ALBERTS ran the plate and realized it was the same person he fought with on a previous call. That person's name was, Ton Ngoc NGUYEN, 1-16-55.

The officers went to the address listed on the vehicle registration, 14672 Via Fiesta [REDACTED]. Officer ALBERTS and Bryan SHIELDS went to the front door and knocked. After knocking on the door, the suspect, NGUYEN rushed out of the door towards Officer ALBERTS with a knife in his right hand. The suspect was within 7 feet of Officer ALBERTS. Officer ALBERTS attempted to back away from the suspect who picked up speed as he advanced on the officer. Officer ALBERTS drew his duty weapon and fired one round which struck NGUYEN in the upper torso. NGUYEN immediately fell to the ground. Officers secured the scene and began to administer first aid to NGUYEN. NGUYEN was transported to Scripps La Jolla where he was pronounced dead by Dr. James SCHWINDIG at 0044 hours.

Upon conclusion of the incident briefing Sergeant PENDLETON assigned me to assist with witness interviews. Initially I drove to San Diego Fire Station [REDACTED] and interviewed Medics Sean RICHMOND and Michael ROMAN, who transported Ton Ngoc Nguyen to Sharp La Jolla Hospital. I later drove to the Northwestern Patrol Station (SDPD) and interviewed Officer Charles MARIN who witnessed the incident listed above. I recorded the interviews with a digital recorder and later transferred it to compact disc. My documentation is not a verbatim transcript but captures the essence of what MARIN, RICHMOND and ROMAN told me. The recordings should be reviewed for the entire context of the conversations.

After interviewing MARIN, RICHMOND and ROMAN, I assisted Detective SPITZER with interviews of Ton NGUYEN's neighbors (see report by SPITZER for details).

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

Sean RICHMOND basically told me the following.

**WITNESS STATEMENT:**

*When you first got to the scene, what did you see?*

When we got to the front porch, the first responders and engine 46 were doing CPR on the patient. Obviously his shirt was cut off. His bleeding was in control. He had one single gunshot in the center of his chest, sternum area. Blood was coming out of that during compressions. He was pulsus and apneic so he wasn't breathing. We loaded him on the gurney right away and got him into the back of the ambulance for transport. That's really all I saw. It was real quick and brief.

*Were there any statements by him (Nguyen) at all?*

No. He was completely unconscious and wasn't breathing. He had no pulse. He was non verbal and non responsive.

*Were there any witnesses there saying anything? Anything that stands out?*

No. I just saw PD, the first responders. I did see a knife on the porch. I can't remember the exact size. That was pretty much it. There was a lot of blood since he took one in the chest. We just packaged him, put him on the gurney and took off.

*Was there any change on the ride over?*

No. He remained pulsus and apneic. No change with the heart rhythm. The same for the whole entire transport. No viable signs of life. No breathing or heart rate.

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

**SAN DIEGO POLICE DEPARTMENT  
INVESTIGATOR'S REPORT**

**DATE: (occurrence)** July 3, 2015

**TIMES: (occurrence)** 2340 Hours

**LOCATIONS:** 14692 Via Fiesta [REDACTED]

**SUBJECT:** Officer Involved Shooting  
Case # 15-028434  
Special Investigation #15-028431  
Officer Michael Robert ALBERTS #4835

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**SUBJECT INTERVIEWED:** Michael Roman

EMT/San Diego Fire Department  
[REDACTED]

**BACKGROUND:**

On July 03, 2015 at approximately 0032 hours I was off duty and at home when I received a call from Detective Sergeant Bruce PENDLETON. Sgt. PENDLETON advised me of an officer involved shooting having occurred at 14692 Via Fiesta [REDACTED] in San Diego. Sergeant PENDLETON told me Homicide Team One will be conducting the investigation and directed me to respond to assist in the investigation. The team consists of Sergeants PENDLETON and SAFLAR as well as Detectives Dave SPITZER, Bill MILES and Tim NORRIS. I assisted Team One in a relief detective capacity.

**INVESTIGATION:**

I arrived at the scene at 0115 hours. This incident was located in Northwestern Division on beat 937. The neighborhood is Black Mountain Ranch. The incident # is 15070003825.

At 0143 hrs, after all of the team had assembled we were briefed on the incident by Sgt. Gaylon SELLS # 4231. Sgt. SELLS told us that at about 2340 hours, SDPD Communications received a call of a 415, Violent at [REDACTED] Via Fiesta. The call was dispatched at 2340 hours and the first officers arrived on scene at 2353 Hours.

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Date of Report: 07-04-2015 Time: 0700

The officers were, Mike ALBERTS #4835, Jason ROCHA #5508, Charles MARIN #7261 and Bryan SHIELDS #7231. None of the officers are trained in the use of the Body Worn Camera (BWC).

The reporting party on this call was [REDACTED]. They reported that an unknown male was in front of the location in a brown Honda Civic acting aggressive and possibly 5150. [REDACTED] also reported that the male kicked her [REDACTED]. The male was throwing lit matches at other vehicles. They described the suspect as an Asian, male adult, 60-70 years old, short and thin, wearing unknown clothing and unknown weapons.

As officers were enroute at 2345 hrs, Officer ALBERTS sent a message to P-9 which said, "In the event it is the same guy, he attempted to grab my gun when I 417'd him on a possible knife call. It ended in a ground fight and him being tased".

When officers arrived on scene the suspect's vehicle was pointed out to them by [REDACTED]. Officer ALBERTS ran the plate and realized it was the same person he fought with on a previous call. That person's name was, Ton Ngoc NGUYEN, 1-16-55.

The officers went to the address listed on the vehicle registration, 14672 Via Fiesta [REDACTED]. Officer ALBERTS and Bryan SHIELDS went to the front door and knocked. After knocking on the door, the suspect, NGUYEN rushed out of the door towards Officer ALBERTS with a knife in his right hand. The suspect was within 7 feet of Officer ALBERTS. Officer ALBERTS attempted to back away from the suspect who picked up speed as he advanced on the officer. Officer ALBERTS drew his duty weapon and fired one round which struck NGUYEN in the upper torso. NGUYEN immediately fell to the ground. Officers secured the scene and began to administer first aid to NGUYEN. NGUYEN was transported to Scripps La Jolla where he was pronounced dead by Dr. James SCHWINDIG at 0044 hours.

Upon conclusion of the incident briefing Sergeant PENDLETON assigned me to assist with witness interviews. Initially I drove to San Diego Fire Station [REDACTED] and interviewed Medics Sean RICHMOND and Michael ROMAN, who transported Ton Ngoc Nguyen to Sharp La Jolla Hospital. I later drove to the Northwestern Patrol Station (SDPD) and interviewed Officer Charles MARIN who witnessed the incident listed above. I recorded the interviews with a digital recorder and later transferred it to compact disc. My documentation is not a verbatim transcript but captures the essence of what MARIN, RICHMOND and ROMAN told me. The recordings should be reviewed for the entire context of the conversations.

After interviewing MARIN, RICHMOND and ROMAN, I assisted Detective SPITZER with interviews of Ton NGUYEN's neighbors (see report by SPITZER for details).

Michael ROMAN basically told me the following.

Reporting Officer: Bill Kellner I.D.: 5776 Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

**WITNESS STATEMENT:**

*What did you see when you got to the scene?*

We walked up to the gurney to the front porch. There were quite a few officers that we needed to get through and a bunch of blood on the porch deck. The first responders were there and doing compressions. They told us a real quick scenario of what had occurred. We all agreed to pick up the patient. We picked him up, put him on the gurney and wheeled him to the ambulance. I jumped up front and we started driving.

*What was he wearing when you picked him up?*

He did have a shirt if some sort that was heavily bloodied. I think it was plaid. He was wearing shorts and he had a pair of sandals what were already off him at the scene. For us to be able to pick him up, we did push the sandals off to the side.

*You went to which hospital?*

Scripps La Jolla, to their trauma unit.

*Did they give you his name when you went to the scene?*

No. Not at all.

*How would you describe him physically?*

Asian. Middle aged male. He was supine on his back. Kind of up against a wall, so he was in somewhat of a contorted position.

*Anything else that you think is noteworthy?*

No. I heard the story about the knife. I really wasn't looking for that. I was just making sure I wasn't stepping in the major pool of blood. If there was a knife, I wanted to make sure not to move it. Obviously we knew it was a crime scene.

Reporting Officer: Bill Kellner      I.D.: 5776      Division: Homicide Unit

Approved By: Sgt J.Saflar #5193

Date of Report: 06-18-2015

Time: 0700

<b>CRIME REPORT</b>		<b>SAN DIEGO REGIONAL CRIME/INCIDENT REPORT</b>				INCIDENT NUMBER 15070003825	
BEAT 937	RELATED RPT #S	DATE 07/03/2015	DAY OF WEEK Friday	PAGE 1 of 3	CASE NUMBER 15028434	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
CODE SECTION AND DESCRIPTION PC / 245A1 / ASSAULT W/DEADLY WEAPON OTHER THAN FIREARM OR GBI FORCE							
LOCATION OF INCIDENT (OR ADDRESS) 14692 VIA FIESTA						CITY SAN DIEGO	

VICTIM / WITNESS									
V	SP	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)						
W	RP	16	Alberts, Michael						
RESIDENCE ADDRESS			CITY			STATE		ZIP	
RACE W	SEX M	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM OTHER	RELATION TO ACQT	SUSPECT N
ID SD 4835									
STATUS EMP	EMPLOYER (RANK IF MILITARY) SDPD Police Officer			BUSINESS ADDRESS			CITY	STATE	ZIP
ADDITIONAL INFORMATION									

M.O. INFORMATION		
TOTAL # OF WITNESSES AT CRIME 1	PLACE OF ATTACK 1. Structure	SURROUNDING AREA 1. Residential
<input checked="" type="checkbox"/> SPECIFY KNIFE	HOW USED POINT	
TYPE OF STRUCTURE RESIDENTIAL 1. APARTMENT/CONDO		
TARGET(S) 11. Person		
POINT OF ENTRY 0. N/A		
SECURITY USED 0. N/A		
SUSPECT ACTIONS 38. Threatened Retaliation		
VICTIM INJURED	EXTENT OF TREATMENT	SIC No ADULT

SUSPECT(S)									
ARRESTED N	SUSPECT NAME (LAST, FIRST MIDDLE) Nguyen, Ton Ngoc					NICKNAME/AKA			
RACE V	SEX M	AGE 60	DOB 01/16/1955	HEIGHT 59 "	WEIGHT 166 *	BUILD NOR *	HAIR COLOR	EYE COLOR	
SUSPECT'S ADDRESS 14692 VIA FIESTA						CITY SAN DIEGO	STATE CA	ZIP 92127	
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)									
SUSPECT'S CLOTHING									
HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE		

EVIDENCE	
EVIDENCE OBTAINED	TAG NUMBERS None
See Evidence Collection Section for Details	
WITNESS CHECK	

REPORTING OFFICER TIMOTHY NORRIS	I.D. # 3979	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 7/7/2015	TIME 08:48
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CONTINUED FROM  
CRIME REPORT

# SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

PAGE  
2 of 3

INCIDENT NUMBER  
15070003825  
CASE NUMBER  
15028434

## OFFICER ASSAULT (OAK)

VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

## ARSON

ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED
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## EVIDENCE COLLECTION

### Officer's Investigation

I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at

14692 VIA FIESTA SAN DIEGO CA 92127

### LATENT PRINTS:

I made attempts to lift latent prints: N

If NO, explain:

### OTHER PHYSICAL EVIDENCE:

I made attempts to locate other physical evidence at the scene: Y

I recovered evidence listed in the spaces below (include photographs also):

Item Description	By Whom
How Marked	Disposition
Location Found	Tag Number
	None

REPORTING OFFICER TIMOTHY NORRIS	I.D. # 3979	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 7/7/2015	TIME 08:48
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CONTINUED FROM  
CRIME REPORT

SAN DIEGO REGIONAL  
CRIME/INCIDENT REPORT

PAGE  
3 of 3

INCIDENT NUMBER 15070003825
CASE NUMBER 15028434

See associated homicide investigation

REPORTING OFFICER TIMOTHY NORRIS	I.D. # 3979	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 7/7/2015	TIME 08:48
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(Revised 09/2013 Electronic)

<b>CRIME REPORT</b>		<b>SAN DIEGO REGIONAL CRIME/INCIDENT REPORT</b>		INCIDENT NUMBER <b>15070003825</b>	
BEAT <b>937</b>	RELATED RPT #S	DATE <b>07/03/2015</b>	DAY OF WEEK <b>Friday</b>	PAGE <b>1 of 3</b>	CASE NUMBER <b>15028431</b>
CODE SECTION AND DESCRIPTION <b>ZZ / 981000 / MISCELLANEOUS INCIDENTS</b>				TIME <b>00:05</b>	
LOCATION OF INCIDENT (OR ADDRESS) <b>14692 VIA FIESTA</b>				CITY <b>SAN DIEGO</b>	

VICTIM / WITNESS									
V	W TYPE	NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)							
W	<b>16</b>	<b>Alberts, Michael</b>							
RESIDENCE ADDRESS			CITY			STATE		ZIP	
RACE <b>W</b>	SEX <b>M</b>	DATE OF BIRTH	VICTIM INJURED	EXTENT OF TREATMENT	INTERPRETER REQUIRED	LANGUAGE	VICTIM RELATION TO SUSPECT <b>OTHER</b>	ACQT	V/W ASSIST <b>N</b>
STATUS <b>EMP</b>	EMPLOYER (RANK IF MILITARY) <b>SDPD Police Officer</b>		BUSINESS ADDRESS		CITY		STATE		ZIP
ADDITIONAL INFORMATION									

M.O. INFORMATION		
TOTAL # OF WITNESSES AT CRIME <b>1</b>	PLACE OF ATTACK <b>1. Structure</b>	SURROUNDING AREA <b>1. Residential</b>
<input checked="" type="checkbox"/> SPECIFY <b>KNIFE</b>	HOW USED <b>POINT</b>	
TYPE OF STRUCTURE <b>RESIDENTIAL</b>		
<b>1. APARTMENT/CONDO</b>		
TARGET(S) <b>11. Person</b>		
POINT OF ENTRY <b>0. N/A</b>		
SUSPECT ACTIONS <b>38. Threatened Retaliation</b>		
VICTIM INJURED	EXTENT OF TREATMENT	SIC <b>No ADULT</b>

SUSPECT(S)									
ARRESTED <b>N</b>	SUSPECT NAME (LAST, FIRST MIDDLE) <b>Nguyen, Ton Ngoc</b>					NICKNAME/AKA			
RACE <b>V</b>	SEX <b>M</b>	AGE <b>60</b>	DOB <b>01/16/1955</b>	HEIGHT <b>5'9"</b>	WEIGHT <b>166</b>	BUILD <b>NOR</b>	HAIR COLOR	EYE COLOR	
SUSPECT'S ADDRESS <b>14692 VIA FIESTA</b>			CITY <b>SAN DIEGO</b>			STATE <b>CA</b>		ZIP <b>92127</b>	
ADDITIONAL INFORMATION / FURTHER SUSPECT DESCRIPTION (I.E. GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, ETC.)									
SUSPECT'S CLOTHING									
HAIR LENGTH/TYPE	HAIR STYLE	FACIAL HAIR	COMPLEXION	GENERAL APPEARANCE	DEMEANOR	SPEECH	VOICE		

EVIDENCE	
EVIDENCE OBTAINED	TAG NUMBERS
	<b>None</b>
See Evidence Collection Section for Details	WITNESS CHECK

OFFICER ASSAULT (OAK)		
VEHICLE TYPE	NUMBER OFFICERS WITH PERSONAL INJURY	ACTIVITY WHEN ASSAULT OCCURRED
	NUMBER OFFICERS WITHOUT PERSONAL INJURY	

REPORTING OFFICER <b>TIMOTHY NORRIS</b>	I.D. # <b>3979</b>	DIVISION <b>INV_HOMICIDE</b>	AGENCY <b>SDPD</b>	DATE OF REPORT <b>7/7/2015</b>	TIME <b>09:02</b>
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CONTINUED FROM  
CRIME REPORT

# SAN DIEGO REGIONAL CRIME/INCIDENT REPORT

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INCIDENT NUMBER  
15070003825  
CASE NUMBER  
15028431

ARSON				
ARSON TYPE	DESCRIPTION	CONTENT LOSS \$	STRUCT LOSS \$	ABANDONED

EVIDENCE COLLECTION			
Officer's Investigation I conducted the following attempts to locate, collect, and preserve evidence from the crime scene at  14692 VIA FIESTA [REDACTED] SAN DIEGO CA 92127			
LATENT PRINTS: I made attempts to lift latent prints: N If NO, explain:			
OTHER PHYSICAL EVIDENCE: I made attempts to locate other physical evidence at the scene: Y I recovered evidence listed in the spaces below (include photographs also):			
Item Description	By Whom		
How Marked	Disposition		
Location Found	Tag Number None		

REPORTING OFFICER TIMOTHY NORRIS	I.D. # 3979	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 7/7/2015	TIME 09:02
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CONTINUED FROM  
CRIME REPORT

SAN DIEGO REGIONAL  
CRIME/INCIDENT REPORT

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3 of 3

INCIDENT NUMBER 15070003825
CASE NUMBER 15028431

See associated homicide investigation

REPORTING OFFICER TIMOTHY NORRIS	I.D. # 3979	DIVISION INV_HOMICIDE	AGENCY SDPD	DATE OF REPORT 7/7/2015	TIME 09:02
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(Revised 09/2013 Electronic)